

# Consenting Adults: Conducting Case Conferences with Consciousness

Azure Dee Smiley, Indiana

The overall objective of a case conference is to bring people together with the common goal of developing an individualized education plan that best meets the individual needs of a student with disabilities. In recent years, I have become acutely aware that with the implementation of the No Child Left Behind Act and special education legislation like IDEIA (Individuals with Disabilities Education Improvement Act of 2004), case conferences have become extremely powerful places.

The following narrative is a case conference I sat in as I was collecting data for a large-scale project (Smiley, 2007). This specific case conference took place at a high school that had recently converted to a small school model in efforts to reform their practice with support from the Bill and Melinda Gates Foundation.

One of the purposes of this small school initiative was to actively eliminate the life of anonymity that most students live in large schools. Structural changes were made and professional development was provided to ensure faculty common planning time with intentions to improve academic practice, promote collaboration across disciplines, enhance relationships with students, and implement deliberate efforts to combat social injustice. As you will see, the administration's lack of knowledge regarding special education across the small schools at this high school and the racial bias held by the teachers had a devastating impact on this student and his family.

## Case Conference Narrative

The case conference was held at 1:30 p.m. in a glass-walled room located at the main entrance of the school. One of the special education teachers had gone to Wilma's (African-American mother of the student) house to bring her to the conference. The room slowly began to fill with people around 1:50 p.m. Denise (European-American special education teacher), Susan (European-American area special education supervisor), Donna (African-American family-school advocate), and Wilma were all in attendance, as I (European-American silent

observer & researcher) had been informed they would be. Additionally, a person from a community mental health service, a medical student, a representative from a community mentoring program, two additional special education teachers, a dean, and the student were all present.

When the conference began, Denise informed the group that there had been several behavior and attendance issues that needed to be addressed and that given these circumstances, the conference was going to be a manifestation determination (expulsion) conference rather than an annual case review. She asked if anyone objected and no one responded. She then gave Wilma a copy of her legal rights without offering an explanation, stating, "You probably already know these by heart, but

I'm required to give them to you anyway."

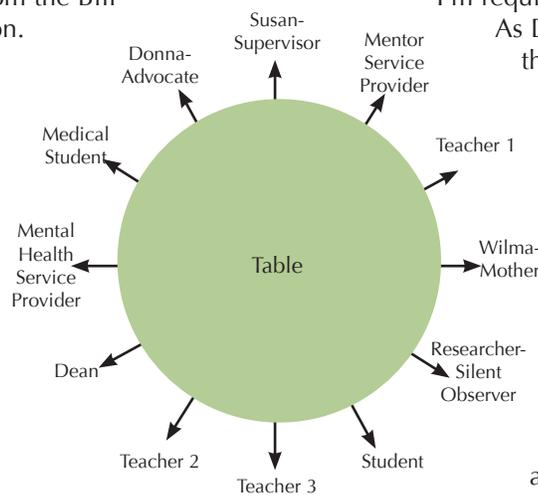
As Denise began to verbally read through the IEP paperwork, she stopped and asked everyone to introduce themselves to Wilma.

One by one, each person in the room introduced themselves to Wilma and then described the agency they represented. When it was the student's turn to speak, Denise, his teacher, asked him to remove his hat on school grounds. The student reminded Denise that hats were allowed after school hours and that by this time the school day was officially

over. Denise replied that hats were not permissible and if he did not remove the hat, she would call the police officer to remove him. The student refused, citing the same school rule. Denise then asked the dean to get the police officer to remove the student from the case conference because he openly refused to comply. Wilma hung her head, shook it from side to side, and laughed quietly as she scooted her chair away from the table and the rest of the group. Denise never addressed Wilma during this scene. A few minutes later the police officer arrived and removed the student from the room while his mother sat watching. The entire room remained silent during these interactions.

A few minutes later the student, holding his hat, was escorted back into the conference by the police officer. As the student sat down he

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Case Conference seating arrangement

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said, "I don't know why you need me here, you're not listening to me or my mom." Denise described this confrontation as a typical display of the student's daily behavior. Susan used this opening as a chance to discuss behavior plan options. She asked if the student could call home when a conflict arose. Denise responded, "We can try that, but he doesn't listen to her (Wilma) either." She continued, without looking up from the paperwork, to explain that Wilma's inability to provide consistent transportation had been a hindrance to all behavior plans they had attempted to implement thus far.

Denise continued to read through the manifestation paperwork aloud, word for word, without looking up or asking if anyone needed clarification. At this point several side conversations began among some committee members, and others were having unrelated conversations on cell phones. The legal portion of the paperwork moved away from behavior and on to attendance. After 30 minutes without making eye contact or speaking, Wilma stated that she was upset about getting so many calls from school saying her son was not in attendance when she puts him in the taxi cab each morning. Denise pulled out the student's attendance records and report card and passed them around the group. According to the attendance sheet, the student had missed the majority of school days listed and was failing all of his classes. When the student and one of his other content area teachers looked at his records, they both pointed out that this was his schedule before he was put on a half-day schedule and was enrolled in a different small school on campus. It became apparent that the computer system was not updated when his schedule was changed, so it appeared on paper that the student had been skipping school when he was, according to his current IEP, meeting with a mentor in the afternoon. According to the representative from mentor services, the student had been in attendance at all sessions. Wilma then stated that she had been summoned to truancy court due to this clerical error and asked if the school could help sort out that situation. At this point one of the other special education teachers voiced a concern that communication between professionals within the different small schools was an ongoing struggle in this situation, but this comment was left unaddressed by the committee. Denise responded to Wilma's question about truancy court by saying that Wilma would have to appear in court to straighten this out legally. Donna later called and offered to

attend the court session with Wilma to help.

As the conference proceeded, a homebound plan was developed. Wilma asked how her son would be able to graduate when he would only be working with a tutor a few hours a day. Denise responded by saying that those are the best services they can provide with the resources available. After the paperwork was passed around and signed, Donna asked Wilma if she understood and agreed with everything that was just discussed. Wilma became visibly upset and hung her head once again. The student responded to Donna's question by saying, "No she's not okay with it, but she will sign because that's what you want her to do." As everyone filed out of the conference Wilma was crying, and the student was upset.

### Leading for Best Practice?

The lack of leadership and facilitation in this case conference had demoralizing effects on the family and in actuality opened the school up for litigation in several ways. At no time did a leader (special or general education) step in and remind the IEP team that a change of conference purpose, from annual case review to manifestation determination, and the invitation of additional people without prior parent notification were not acceptable. When the behavior issue regarding the hat emerged, neither leader in the room stepped up to address it. They allowed the police to be summoned instead of doing their jobs and intervening. Neither leader commented on the transportation situation when this topic was expressed as a hindrance to providing educational services. Additionally, in a room of 12 people, all with the alleged goal of doing what was best for the student, not a single administrator accepted responsibility for the incompetent attendance record keeping taking place in their school. Even worse, once they were made aware of the grave impact their failure had had on this family, neither leader offered to help clean up the legal mess caused by the school. The painfully passive role these leaders played in this case conference also allowed a teacher, with obvious racial bias against the student and his mother, the power to control the climate of this conference and adversely affect the services this student and family received from the school. Denise wanted the student "out of her school" and mobilized the forces necessary to make it a reality. Later, in an individual interview, Denise

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implied that this case was more involved and time consuming because Wilma was non-responsive and not a good parent. She sarcastically wished me luck in my attempts to set up an interview with Wilma.

Wilma answered her telephone the first time I attempted to contact her for an interview. I met her at her house after she had dropped her children off at school on a Tuesday morning. She invited me into her home and spoke freely about her experiences with the school. She shared her frustration with the system and a desire to move out of the district because of the legal issues that had come up over the alleged truancy. Wilma had sat next to me in the case conference and asked if I could join her at the upcoming truancy court date. She wanted another witness because none of the school personnel would agree to go with her to help explain to the judge that this was the school's paperwork mistake.

At our final interview, Wilma explained that the court resolved the truancy issue and shared her relief that she was able to afford a new home in a neighboring district. Wilma was disappointed about moving because she and her husband had both attended this school as teenagers. However, she had decided to move her family, in large part because of the issues she had experienced with the special education services her son had received.

### Implications for Educators

School leaders must be advocates for students, families, and staff. The leaders from this case conference should have stopped the proceedings when they realized the conference was disrespectful and not working in compliance with the law. Even without expert knowledge about special education, a leader can do many things in a case conference to make the process productive and meaningful. Leaders should make sure everyone in the room feels comfortable and informed by asking clarifying questions as the meeting proceeds. Leaders should request that only people who work directly with the student be in the meeting so the conference does not feel overwhelming. Leaders should remind everyone in the room that they are on the same team, merely playing different roles, with the common goal of developing a plan that is best for the student. Leaders should remind everyone (families, students, and staff) that they each bring a valuable voice to the process and ensure that each is heard. Leaders should encourage families to sit together so they feel more comfortable in a room of "professionals."

Leaders have the power to make sure case conferences like the one described in this narrative never happen to a family in their schools.

After more data and experiences similar to those shared here emerged, the high school transformation team working with the district decided to make special education one of its focus areas for the final year of their Gates small school initiative. The team hired outside special education consultants to offer support to the district and families by providing special education focused professional development for administrators of small schools, offering perspective to the transformation team in the decision making process, and supporting school staff and families as they negotiate the legal system together to meet the needs of students with disabilities.

While the implementation of the small school initiative actually brought to light many special education issues that had been hiding under the surface of this large high school, it did not solve these problems. It is harder for poor practices to go unnoticed in these more personalized settings. Teacher bias, lack of knowledge of legal requirements by administration, disregard for best practice, and a blatant break down of communication all emerged as obstacles to meeting the needs of the student and his family in this case.

I want to commend the participants of this study. By allowing their personal and professional experiences to be studied and shared, they have helped the field of education to grow and improve widespread practice. I share their experiences to encourage other administrators and teachers to reflect on their own practice in case conferences. I believe the small school initiative taking place in this district has and will continue to enhance the possibility for the interruption of inequities in the delivery of services being offered to students and families - if the teachers and administrators have the will to do so.

I also share this as a call to action for those engaged in equity work. Naming and identifying inequity is only the first step of the struggle. We need to push ourselves to not just name inequity, but to also dissect the process within which it happens and interrupt that practice. We must begin to build a more equitable system. To this end, I am extending an opportunity to the readers of *Connections*. I want to work collaboratively with educators to develop a protocol specific to

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IEP meetings and try it out in a variety of states. If you are interested in being part of this collaborative effort, please contact me. ■

Azure Dee Smiley may be contacted at  
asmiley@uindy.edu

### References

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## Fostering CFGs in a PLC Landscape

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and be explicit about the tensions regarding power and agency that inevitably surface when CFGs are introduced in a school. Our sustainability depends upon it. We must continue to set our own agendas and plans, and we must be accountable for revising and implementing those agendas and plans to meet the needs of our students. We cannot afford to settle for PLCs that are nothing more than grade or departmental groups with new names. Our students' success depends on our willingness to disturb the status quo, and CFGs are a big first step on the journey. ■

Donna Reid may be contacted at  
cfgcoach@robreid.com

did not have one discipline problem. I did not have to remind students to complete an assignment. I could keep even the most talkative student in check by simply asking if his comment had anything to do with the discussion.

I learned that our daily Connection time has paid off in terms of student respectfulness. This is a rowdy, talkative bunch of students. But by following our expectation of respectful behavior while someone is talking, on a daily basis, this class has learned the concept of control. They were able to honor one another as they raised their hands to speak and waited to be called upon. I can't begin to say how proud I am of these students.

The final thing I learned from this discussion was that my students thoroughly enjoyed the process. One student wrote in his reflection, "I thought this discussion was a good idea because I learned a lot and had fun doing it. The fact that we had to come up with our own topics out of the magazine taught us how to pick important facts out of a group of information ... I really hope we do it again." Based on their performance and attitude, I intend to use discussion with this class as often as possible."

Denise's transformation from a teacher who was frustrated and unhappy about being "stuck" with a last period class of noisy, failing students, to a teacher working to differentiate instruction in support of each student's success was a pleasure to behold. Denise's "willingness to be disturbed" and challenge her assumptions about these students and their abilities reinforced my belief in student empowerment and our responsibility to personalize instruction. Denise's shift and success has also made me wonder about all of the students and teachers who continue to "mark time" in too many of our classrooms, with or without their IEPs. ■

Debbie Bambino can be reached at  
dbambino@earthlink.net

### Correction

In our last issue of *Connections*, we published the poem, "Race Matters" by John Patrick Moran. We mistakenly identified the author as being from California. In fact, Mr. Moran is a school coach with the North Carolina Department of Public Instruction. He wrote the poem during a weeklong Equity-Based Critical Friends Coaches training which was co-facilitated by Camilla Greene of Pennsylvania, Gregory Peters of San Francisco, and RoLesia Holman of North Carolina. - *Connections* Editorial Board

