

CASE STUDY 9.2

Amy Rothman

Developed by Jan Stivers, Ph.D., Marist College

Amy Rothman was finishing lunch at her desk on a warm April afternoon when one of her resource students walked into the room and began rummaging through the bottom of her metal storage cabinet. Like a few other students, Jason viewed the resource room as a home base, stopping in a couple of times a day to pick up supplies, to alert Amy to an upcoming assignment, and sometimes just to keep in touch.

After he found the science folder he had been looking for, Jason stopped at Amy's desk and said, "There was some trouble in the lunchroom. A couple of new kids started teasing Nathan. He was flapping his hands, you know the way he does sometimes, and they started calling him a retard."

"Did Nathan get upset?" Amy asked.

"Nah—the principal was walking by and I guess he heard them, so he came in and took care of it right away."

"What did Mr. Choi do?"

"I don't know for sure. I went over and told him that Nathan could come sit with me, and then I helped Nathan get out a book to read while he finished his lunch, you know the way you suggested a while back. I guess Mr. Choi took the new guys to the office with him."

"Thanks, Jason; you're a good friend," Amy said.

"No big deal," Jason replied. "See you eighth period."

Amy had been the resource teacher at the Homer Academy for the past seven years. An English teacher, she had gotten her masters degree in special education and returned to Marine City High School to serve as the resource room teacher. Homer was one of four units within Marine City High School, which struggled to serve 2000 students in a decrepit building erected eighty years ago for a much smaller student body. The division of the school into four academies was a generally successful attempt to bring a small-school atmosphere to an inner-city institution that too often reflected the desolation of its surroundings. Although Marine City had one of the highest poverty levels in the state, Homer and its sister academies had graduation rates that were well above those of typical inner-city schools.

When Nathan Worth came to the resource room for the eighth period, Amy asked him how his day had been. "OK," he replied.

“Nathan, remember to look at the person who’s talking to you,” Amy said gently.

Nathan glanced in Amy’s direction, then quickly looked away.

“Any problems?” Amy asked.

“No.”

“OK, let’s see if you can get started on your own. Try to organize your books and notebooks so you’ll take home only the ones you need for homework. I’ll be back in a few minutes,” Amy said.

Amy was pleased to see that the other four students assigned to eighth-period resource were settling themselves into their work without her help. In preparation for his decoding lesson, Chris had taken the next pack of Glass Analysis cards out of the box and was entering today’s date on his graph. Jason was using an ancient encyclopedia to take notes on the development of antibiotics. At the conference table, Sharon and Lisa were arranging their note cards into rows; yesterday Amy had introduced them to a highly structured approach to composing essays.

“Let me know when you’re ready for step five,” Amy told the girls. “Transitions can be tricky.”

Amy did the decoding lesson with Chris and then directed him to use his history text to practice the note-taking strategy Amy had taught the group last week. Seven minutes after the period had begun, she returned to Nathan.

Nathan sat at a side table, staring at the three piles in front of him: textbooks, notebooks, and folders. He was a slight boy; Amy estimated that he was about 5 feet 2 inches tall, and under 100 pounds. He had a full head of curly red hair, and nearly invisible blonde eyelashes. Nathan was unlike any student Amy had ever taught in her fifteen years as an educator: He was both autistic and gifted. His measured IQ was 140, but most clinicians agreed that was probably a low estimate, reflecting the communication problems that characterize autism. Nathan was taking a full load of junior-level courses, all honors sections, and earning an A in everything but physical education. He was a year younger than his classmates, having skipped second grade.

Nathan was assigned to the resource room for help with organization and structure. Amy helped Nathan organize his academic life: books, papers, notes and announcements, daily homework, and long-term assignments that required multiple sources and several work sessions. This minor but important work took only minutes each day. Amy allocated more time to helping Nathan recognize structure in his schoolwork. She had recently taught him how to use the table of contents in his textbooks to better understand the structure of a discipline, to see how its parts related to each other and to the whole. They were currently studying how subtitles and headings in a textbook chapter help a reader understand the author’s organization of his ideas. Amy would have used the same approach with Nathan’s class notes, but Nathan never took notes in class. He didn’t need to; he remembered every detail of what he had heard and read.

In addition to organization and structure, Amy also used resource time to work on the social skills curriculum she had developed for Nathan. Nathan manifested many of the traits characteristic of people with autism, the most notable of which was extreme difficulty with personal relationships. With the help each week of a different volunteer from the eighth-period resource class, Amy was working with Nathan to reduce the behaviors that called attention to his differences, and also to increase the behaviors that would enable him to be more comfortable in a group of people.

Now Amy began the daily task of guiding and prompting Nathan as he sifted through his belongings, trying to decide which ones he needed to take home. In his homework folder Amy found an envelope addressed to her from Nathan's mother. Inside was a copy of a letter to Donna Caldwell, the district director of special education and chair of the Committee on Special Education (CSE). Mrs. Worth was requesting a meeting of the CSE to review Nathan's Individual Education Plan (IEP). She wrote:

I would like to have the IEP amended to include, as a special education service provided by the district, Nathan's enrollment this coming fall in Introduction to Physics, PHYS 101, at Oakdale College. The college has agreed to admit Nathan as a non-matriculated student and to waive admissions and activities fees; I will provide his books and arrange transportation from the high school to the college three days per week. I am asking that the district provide a class schedule that will accommodate Nathan's college course and assume responsibility for tuition payments. Tuition at Oakdale is currently \$325 per credit; Physics 101 is a four-credit course.

When Amy stopped at her mailbox after school, she found a message from Donna Caldwell asking her to call.

"Amy, I need to set up an IEP review for Nathan Worth."

"I know. Mrs. Worth sent me a copy of the letter."

"Covering all bases, I see," Donna commented. "The request is absurd, of course, but I'm going to proceed as if it had some merit. She threatened to go to hearing last October when we wanted to try weaning Nathan from the resource program, so I'm not taking any chances. The last special education hearing cost the district nearly \$30,000 and dragged us all down for months. I don't want to go through that again, this time with Mrs. Worth. How is next Thursday at four o'clock?"

"It's OK," Amy said. "Should I reserve the library conference room?"

"No," Donna replied. "We'd better do it here at the district office. Thanks anyway. Would you please send me the latest update of Nathan's IEP, so I can review it before the meeting?"

"Sure. I'll see you Thursday," Amy said.

Marian Worth called Amy at home that evening. "I was just checking to be sure you got my letter," she said.

“I did. In fact, Donna Caldwell has already been in touch to set up a meeting time.”

“Great. Amy, I’m hoping I can count on your support at the CSE meeting,” Marian said. “You know Nathan better than anyone else in the district, so I think you’ll agree that enrolling Nathan in a college course isn’t a frill. Because of his unique disability, he needs it and he’s entitled to it.”

“I really haven’t had time to think about it yet, Marian. I’ll read your letter again before the meeting, as well as any other information you’d like to send me.”

“Thank you. I know you can be a strong advocate for your students, Amy; I’m convinced the CSE reversed itself last October because of the stand you took on Nathan’s behalf. Your support at the meeting will mean a great deal to us.”

Donna Caldwell opened Thursday’s CSE meeting by introducing first herself, as director of special education and CSE chair, and then each of the other CSE members. Attending the meeting were Amy, who served as the high school representative to the CSE; Patrick James, the school psychologist, whose caseload was primarily the students in special education; and Etta Johnson, the parent member of the CSE, whose son was in a self-contained class for very low functioning students. Marian Worth knew all the committee members from previous meetings. The introductions were necessary because this time her lawyer, Martin Angstrom, accompanied Marian. At Donna’s suggestion, Marian spoke first.

“Let me tell you a little bit about why I decided to make the request. As we all know, Nathan is both disabled and gifted. It seems to me that for most of Nathan’s life, we’ve focused our energies and resources on his autism. But his giftedness is probably more important than anything else in determining the quality of his future. We need to start developing his strengths, not just remediating his weaknesses. The Introduction to Physics course at Oakdale is the perfect opportunity to do that. The professor who has agreed to take Nathan is married to a special education teacher whose brother has autism. I think the professor will be understanding and supportive and will provide an environment in which there will be no risk to Nathan.”

Marian paused for a minute, and when it looked like Donna was about to speak, she held up her hand and continued. “For the past ten years we’ve been providing only half of the free, appropriate public education to which Nathan is entitled. It’s time to remedy that by addressing the special education needs created by Nathan’s giftedness and not just those created by his autism.”

After a long moment of silence, Donna spoke.

“Mrs. Worth,” she said quietly, “I want to be sure that all of us here understand the basic provisions of the law governing special education. The law guarantees a free, appropriate, public education to all children with disabling conditions, and it specifies those conditions. Autism is one; giftedness is not.

School districts are encouraged to provide services to gifted students, under other federal and state statutes, but programs for gifted and talented students are not mandated. Because of severe budgetary constraints, the Marine City School District has never provided services of any type to gifted children. Certainly we recognize that we have gifted students, and Nathan is one of them. We try very hard to meet their special needs through the honors classes that Nathan takes. And when parents make their own arrangements for special services for their gifted children, we do all we can to accommodate them. We provide schedules that allow students to leave early for college courses, we accept college credit to satisfy high school requirements, and we even have a referral service that matches students with mentors in the community. But we don't pay for college tuition for any of our students."

"I understand all of that." Marian's lips barely moved. Her voice was low and edged with anger. "What you seem not to understand is that Nathan is gifted *and* disabled. Because he has an educational disability, he is entitled to an individualized education appropriate to his needs; because he is also gifted, his current program is not appropriate."

Realizing her body was rigid with tension, Amy made a deliberate attempt to relax. "Marian," she asked, "can you tell us more about the course? For example, when is the physics class taught?"

"Mondays, Wednesdays, and Fridays at 1:30. Nathan would have to be released one period early on those days," Marian replied.

"He has always used the last period of the day as his resource period," Amy said. "That seemed to make the most sense, given the IEP goals we developed together."

"In order to do this, I believe Nathan would have to drop resource," Marian said. "If he remained in the resource program he'd have to give up one of his major classes, most likely science. I'd hate to see him do that. I think I could help him with the organizational goals you're working on now."

"I'd be concerned, though, about suspending the social skills curriculum," Amy said. "I think that's working well now, largely because the other students in his resource period are so willing to work with him on it. They accept Nathan and try to interact with him, and Nathan no longer shies away as he used to. I've found that peers are powerful teachers, Marian. It would be hard to duplicate that at home."

"Amy, I know you've spent a lot of time trying to teach Nathan social skills, and I appreciate it. But I think it's time to acknowledge that it hasn't worked and probably won't work. It's time to move on."

"I don't see it that way, Marian. I think Nathan has made real progress."

"In all his years in school, Nathan has not made one friend. Not one. He has never been invited to a birthday party, never been asked to join the chess club or math team. He's never even gotten a phone call from a classmate looking for the homework assignment, even though Nathan probably could rattle

off that information faster than the teacher could. Another year of weekly lessons on making eye contact or exchanging pleasantries is not going to make a difference in the quality of Nathan's life. The physics course could."

"Yes, the physics course could, Mrs. Worth; but I can't see that it is the district's responsibility to provide it," Donna said. "I firmly believe that Nathan's current IEP is appropriate. Perhaps it is not ideal or optimal, but it's certainly appropriate."

Pat James, the school psychologist, leaned forward, spreading his hands and pressing his fingertips together. "I have to agree with Donna's interpretation of the state regulations on special education. I don't think the district is obligated to grant this request. However," he continued slowly, as if deliberately choosing each word, "I think it might be in the district's best interest to find some means of enabling Nathan to take this course. It seems likely to me that pursuing this question could be a lengthy, expensive, and stressful process for everyone. The cost of tuition would be only a small fraction of the costs the district would incur if there were to be an appeal of a decision to deny this request. I was involved in an appeal last year. The hearing officer upheld the CSE's decision, but it was a Pyrrhic victory. I would hate to see our financial and human resources squandered in that way again. I am not suggesting," Pat concluded, "that Nathan's IEP be amended to include college courses. Rather, I think we need to seek other ways to grant this request."

"That's not acceptable to us." Mrs. Worth's lawyer, Mr. Angstrom, spoke for the first time. "It has been my experience that a service must be stipulated in the IEP in order to assure compliance. A district can promise a full-time aide but deliver a half-time aide; unless the IEP specifies 'fulltime aide' the parent has no legal recourse. We believe that because of his unique educational disability, Nathan is legally entitled to the service we are requesting, and we intend to see that he gets it."

Marian Worth leaned forward and addressed Etta Johnson. "I'd like to hear your point of view, Mrs. Johnson," she said, "since you know firsthand the complexities of raising a child with a disability."

"Well, I can see both sides," Etta said. "Nathan is both disabled and gifted, so he needs a program that is right for his whole being, not just for a part of himself. If we send him to this college course, maybe we can right past wrongs, so to speak." Etta shifted in her chair, then continued. "You keep saying Nathan is unique, and he is, no doubt about that. But so is my boy and so are all the children in the school, special education or not. We can't all be looking to the school to provide what our children need. Some things we just have to do on our own." She paused, looking down at her hands. "I just don't know."

After a long silence, Donna said, "Amy, what do you think?"

Amy Rothman found herself also looking down at her hands, unsure of how to respond.