

**UTAH STATE UNIVERSITY
DEPARTMENT OF SPECIAL EDUCATION and REHABILITATION**

**SPED 6060
Legal Issues in Special Education
Summer Semester 2016**

- Day:** Tuesdays and Thursdays starting June 7 and finishing July 14.
Note: Students are also required to attend the Utah Law Institute on August 3 and 4 at the Eccles Conference Center in Ogden, Utah. This is a two day conference that you need to register for by going to the Utah State Office of Education website
Time: 1:00 – 3:30 p.m.
Locations: Brigham City Utah State University Extension Office and respective distance sites
Credits: 3
Website: canvas.usu.edu
- Instructor:** Ann Miller, Ed.D.
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Objectives

The purposes of this course are to provide *graduate students* with broad knowledge of legal issues concerning delivery of special education services to students with disabilities. In addition, a significant but underlying purpose of the class is to foster attitudes, which facilitate the appropriate accommodation of students with disabilities and their families in school and community settings. Specific areas and issues participants will be expected to demonstrate mastery of include:

1. Basic principals of the Individuals with Disabilities Education Improvement Act (IDEIA).
2. Specific rules governing the provision of special education services in Utah.
3. Duties and responsibilities of school personnel in relation to the provision of special education and related services.
4. Court cases that have had a major impact on special education.
5. Emerging and persistent issues and trends in special education law and litigation, e.g., inclusion, private schools, assistive technology, attorneys' fees, discipline, identification, FAPE, related services, and due process hearings.
6. Section 504—its meaning, impact, and implications.

7. The rationale underlying issues of “competing equities;” (i.e., arguments supporting the provision of FAPE to eligible students with disabilities.)

Textbook and Materials

- Tatgenhorst, Andrew (2014). What do I do when: The answer book on special education law (6th edition). Horsham, PA: LRP Publications. (Buy through distance education or on line.)
- Hulett, K.E. (2009). Legal aspects of special education. Upper Saddle River, NJ: Pearson Education Incorporated. (Buy through distance education or on line.)
- Utah State Board of Education Special Education Rules (Affectionately referred to as the “black rules & regulations”) Copies are distributed to local school districts. Please contact your local district to obtain a copy. A pdf version of the Rules & Regulations is also on the USOE Special Education Services (SES) website, click on “Laws, State Rules and Policies” then “Rules and Regulations.”
- LRBI (Least Restrictive Behavioral Interventions) Technical Assistance Manual provides direction on application of acceptable behavioral interventions for students with disabilities and guidelines to assist users. A pdf version of the LRBI is on the USOE Special Education Services website, click on “Behavior” then “Least Restrictive Behavioral Interventions (LRBI) Technical Assistance Manual’ printable version.
- Additional readings and materials will be available on the class website.

Attendance

Each class session is important and so arrive on time and attend all class sessions for the time scheduled. It will be difficult to master the content of this course without this level of commitment. In addition, participation points are associated with each session.

Expectations and Assumptions

The information presented in this class is important and timely to your training as a master teacher or school administrator. Please plan to participate in a collaborative learning process. As instructor and students we share responsibility for making our time together productive and stimulating. My assumption is that you will display behaviors indicative of a *graduate student*, e.g., conscientious, critical thinking, in the pursuit of knowledge for its own sake, analytical writing characterized by a clear organization and attention to grammar, punctuation, spelling etc.

Operationalized, a graduate student engages in the following behaviors:

- Reads all assigned materials carefully and questions the issues presented and applications;
- Integrates knowledge into a comprehensive understanding as opposed to simply memorizing tangential facts or knowledge pieces;
- Participates in class activities and discussions and extends the discussion by responding to questions in an articulate manner, and poses questions in an articulate manner;
- Communicates with the instructor about personal questions during non-class time;
- Accesses supplementary online resources listed in the class and seeks out information beyond the course syllabus;
- Focuses on matters and issues directly related to the topic for this class;
- Complete all assignments on time and in the manner indicated

Course Requirements:

Exams and quizzes

There will not be a final exam. In lieu of a final exam there will be weekly quizzes that will reflect content knowledge from the reading. These weekly quizzes will be posted on Canvas and must be taken by 7:00 p.m. on the Sunday before class on Tuesday. Along with the quiz, you are required to pose a minimum of two questions or discussion points on the discussion board that are a result of your reading or your professional experiences that relate to the reading. These questions and discussion points must be posted by 7:00 p.m. on the Sunday before class on Tuesday. Late questions or discussion points will be given no credit because of the short time line before class. The discussion questions or points must be a thoughtful demonstration of critical thinking and analysis as you apply the content. The quizzes are worth 16 points each and the discussion questions are worth 8 points weekly. You are required to complete 5 quizzes with discussion questions or points during the semester for a total of 120 points.

Assignments

Case study activities – assignment guide - Canvas

During the semester you will download and analyze case study situations from the Canvas. You will write a brief synthesis response to the situation citing information from assigned readings. You are required to complete 7 of the 8 case studies. Each case study is worth 20 points. If in your case, it is advantageous, you may complete all case studies and have your lowest score dropped.

- Due dates: see course schedule because they vary during the semester
- Submit to Canvas
- 140 points
- Case study 8 will be related to information from the Law Conference and will be due Friday, August 5, by 7:00 p.m.

Case Law Analysis & Presentation – assignment guide - Canvas

Individuals or two students will select and review in detail, a single case from the U.S. Supreme Court, U.S. Court of Appeals, or U.S. District Courts. Teams will choose a case from the list provided and submit the case to the instructor. One source for information for this assignment is Wrights' Law at: <http://www.wrightslaw.com/caselaw.htm#top> .

There will be two products required from this assignment each worth 30 points. First there will be a 2-3 page document posing key issues, questions, opposing views of plaintiffs etc. Secondly, there will be a powerpoint presentations made to the class. This presentation must be 15 minutes long, and no longer, and allow 5 minutes for post-presentation discussion. Both assignments must represent the positions from both sides, explain the legal principles that apply, describe how the lessons case can be applied by an administrator or master special education teacher.

By email, students are to propose to the instructor two cases from the list of cases for their team. To avoid overlap in cases reviewed, the instructor will approve one of the two cases to be reviewed and will assign a date for the group or individual's presentation.

- 30 points – paper – upload paper to Canvas by Sunday the week you present and not later than 11:55 pm.
- 30 points – presentation – upload slides to Canvas by Sunday the week you present and not later than 11:55 p.m.

Due process hearing – assignment guide - Canvas

You will receive a due process hearing report to discuss and analyze. The decision from the hearing officer will **NOT** be included. Taking the role of hearing officers, you will write a two-page hearing decision referencing specific sections and cases from course texts. We will discuss your conclusion during our class at the Law Conference. You can work with a partner on this assignment.

- Paper due date: July 14 (*Canvas drop box before 11:55 p.m.*)
30 points – 2 page paper

Instructions for submitting assignments:

All assignments must: (1) be typed and checked for grammar and spelling; (2) uploaded to the Canvas drop box on or before the date and time specified in the syllabus and (3) all assignments must be produced in Word and saved in the following format, if your last name was Anderson and you completed case study #1 – (i.e., Andersoncase1.doc). All assignments should include a header [see drop down list under *view* in Word to insert headers] noting the assignment name and your last name. (Note: if you do not have Word, save your documents in “rich text format,” if we are unable to open these documents, you will be required to submit your document in pdf format).

Late assignments:

Twenty percent of assignment points will be deducted if an assignment is late. An assignment is considered late if it is submitted to the Canvas drop box after the specified time on the date due.

Class participation:

Up to 36 points will be awarded for participation in class discussions and activities. Points will be awarded on quality of participation, (e.g., high level questions, synthesis statements, school based experiences directly relevant to course issues....).

Class points:

Quizzes	80 points
Discussion point and questions	40 points
Case studies	140 points
Due process hearing review paper	30 points
Case Law Paper	30 points
Case Law Presentation	30 points
Class participation (3 points/session)	<u>36 points</u>

Total points **386 points**

Grading:	100-95% = A	83-80% = B-	69-67%= D+
	90-94% = A-	79-77%= C+	66-64%= D
	89-87% = B+	76-74%= C	63-60%= D-
	86-84% = B	73-70%= C-	Below 60% = F