



Sul Ross State University
Department of Education

ED 5321 Foundations of Special Education Law

Lisa Thompson Sousa, PhD
Summer, 2020

Contact Information

Office: MAB 309B

Office Hours: in person by appointment

Phone: 432-837-8173

Email: Lisa.Sousa@SulRoss.edu

Virtual Office Hours: Tuesday 4 pm – 8 pm. Thursday 4pm -8pm; Saturday 9am-1pm

Course Description:

ED 5321 Foundations of Special Education Law (3-0). A course designed to provide an understanding of the laws governing the area of special education, focusing on current law as such as IDEA, Section 504, and ADA, as well as the legal aspects of the development and implementation of IEPs and IFSPs. Previous cases impacting special education will be examined.

Required Text:

Yell, M.L. (2012). *The law and special education* (3rd ed.). Upper Saddle River, NJ: Pearson Inc. (ISBN 0-13-137609-8)

Suggested Text:

McBride, G., Dumont, R., & Willis, J. O. (2011). *Essentials of IDEA for assessment professionals* (Vol. 86). John Wiley & Sons.

Additional Resources/Suggested Text:

American Psychological Association. (2010). *Publication manual of the American Psychological Association* (6th ed.). Washington DC: Author. ISBN: 9781433805615

ED 5321 will contribute to the following Student Learning Outcomes (SLOs):

- Demonstrate the ability to critically evaluate assessments and understand the implications of chosen assessments
- Analyze the ethical and professional responsibility to the field of special education.
- Effectively collaborate with all parties involved with the identification placement and ongoing support of students with disabilities

Course Objectives:

- Describe federal and state legal systems.
- Describe the major provisions of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Family Education Privacy Act (FERPA), the Elementary and Secondary Education Act (ESEA), and other federal and state laws affecting the education of students with disabilities.
- Identify and explain the six major principles of the IDEA.
- Identify and explain the major litigation leading to the passage of the IDEA.
- Discuss and evaluate the major court rulings on the IDEA.
- Critical discuss and evaluate legal trends in special education.
- Identify and explain the major principles of Section 504.
- Identify and explain the major principles of ESEA.
- Develop legally sound policies and procedures with respect to special education in accordance with IDEA, Section 504, FERPA, ESEA, and pertinent litigation.
- Locate sources of information regarding legislation and litigation.

Professional Standards:

This course is part of the Sul Ross State University, Graduate school of Education, Masters in Special Education Program as well as certification as an Educational Diagnostician. This program complies with the standards published by the Texas Education Agency (TEA). These include:

Current Standards:

Educator Standards Addressed for Educational Diagnostician-153:

- Educational Diagnostician Standard III-The educational diagnostician develops collaborative relationships with families, educators, the school, the community, outside agencies and related service personnel.
- Educational diagnostician Standard VII- The educational diagnostician understands and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity and the significance of student diversity for evaluation, planning, and instruction.
- Educational Diagnostician Standard X- The educational diagnostician knows and understands appropriate curricula and instructional strategies for individuals with disabilities.

Educator Standards Addressed for Educational Diagnostician-253:

Competency 1

- A. Demonstrate knowledge of federal and state criteria and identification procedures for determining students' eligibility for special education services, including all components of Child Find mandate requirements.
- B. Apply knowledge of the educational diagnostician's role in assisting local educational agencies (LEAs) in complying with Child Find.

Competency 2

- F. Apply knowledge of methods used for academic and nonacademic assessments (e.g., vocational, developmental, behavioral, assistive technology, motor skills).

Competency 5

- E. Apply knowledge of requirements and procedures for functional behavioral assessments (FBAs), manifestation determination reviews, and behavioral intervention plans (BIPs) that incorporate positive behavioral supports and interventions.

Competency 6

- F. Apply knowledge of legal and regulatory timelines, schedules, and reporting requirements; methods for maintaining eligibility folders; and strategies for organizing, maintaining, accessing, and storing records.

Competency 7

- B. Apply knowledge of state and federal laws, rules, and regulations related to the roles and activities of the educational diagnostician, including the assessment and evaluation of individuals with educational needs and compliance with local, state, and federal monitoring and evaluation requirements.
- C. Apply knowledge of issues, assurances, and due process rights related to evaluation, eligibility, and placement within a continuum of services (e.g., least restrictive environment) and of effective communication with parents/guardians on these issues.
- D. Demonstrate knowledge of Admission, Review, and Dismissal (ARD)/Individualized Education Program (IEP) processes, rules, and procedures as determined by state and federal regulations.
- E. Demonstrate knowledge of the rights and responsibilities of parents/guardians, schools, students, teachers, and other professionals in relation to students' individual learning needs.
- F. Apply knowledge of professional ethical practices (e.g., in relation to confidentiality, informed consent, placement, and state accountability measures).

General Course Policies

This course will be delivered online in an asynchronous format via Blackboard learning Management System.

Because asynchronous courses do not have a “fixed” meeting day, our week will start on Monday, and finish on Sunday. You may work ahead.

Log-in Frequency: Students must actively check the course Blackboard site and their SRSU email for communications from the instructor, class discussions, and/or access to course materials at least 3 times per week.

Summer Course: Because this is a summer course, the volume of information will be concentrated. It is expected that you will be working at a quicker pace and digesting a larger volume of information compared to the same course taught in a Fall or Spring semester.

Participation: Students are expected to actively engage in all course activities throughout the length of the course which includes viewing all course materials, completing course activities, completing assignments, and participating in course discussions.

Technical Competence: Students are expected to demonstrate competence in the use of all course technology. Students who are struggling with technical components of the course are expected to seek assistance from the instructor and/or College or University technical services.

Technical Issues: Students should anticipate some technical difficulties during the semester and should, therefore, budget their time accordingly. Late work will not be accepted based on individual technical issues.

Workload: Please be aware that this course is not self-paced. Students are expected to meet specific deadlines and due dates listed in the Class Schedule section of this syllabus. It is the student's responsibility to keep track of the weekly course schedule of topics, readings, activities and assignments due.

Instructor Support: Students may schedule a one-on-one meeting to discuss course requirements, content or other course-related issues. Those unable to come to campus can meet with the instructor via telephone or web conference. Students should email the instructor to schedule a one-on-one session, including their preferred meeting method and suggested dates/times.

Writing Expectations: A large component of an Educational Diagnostician's workload is professional writing and synthesis of information. Therefore, a large part of the preparation and participation with this course will involve writing. Students will use APA format when writing. Writing should be free from jargon, grammar errors and written mechanics errors. References should be properly cited.

Professional Portfolio: Cumulative projects as part of this course are recommended to be saved as evidence of proficiency to be used as part of the student's professional portfolio (e.g. Lesson Plan, internet resources, case studies). Additionally, the bibliography or PowerPoint and professional paper may be used as part of the student's ongoing professional growth as part of a literature review or stepping stone to participate in poster sessions at professional and university conferences.

Netiquette: The course environment is a collaborative space. Innocent remarks typed in the online environment can be misconstrued. Students must always re-read their responses carefully before posting them, so as others do not consider them as personal offenses. Be positive in your approach with others and diplomatic in selecting your words. Remember that you are not competing with classmates, but sharing information and learning from others. All faculty are similarly expected to be respectful in all communications.

Accommodations: Online learners who require effective accommodations to insure accessibility must be registered with SRSU Disability Services.

Grading Policy: All assignments should be submitted via Blackboard by midnight on the due date. Late work will not be accepted unless arrangements with the instructor have been approved before the original due date. Approval will only be granted under extremely unusual circumstances (e.g. major medical event, bereavement).

Certification Practice: Every student enrolled in courses for certification through Sul Ross State University will be required to purchase and pass an online practice exam. The exam is

available through CertifyTeacher.com and scores must be submitted to your major advisor before approval to take the state exam (TExES) is granted. Please see your advisor for more information.

University Policies

Attendance policy: Students are expected to attend all scheduled classes. Students in web classes are expected to log in several times each week to the Blackboard course site on the Internet site.

Distance Education Statement: Students enrolled in distance education courses have equal access to the university's academic support services, such as Smarthinking, library resources, such as online databases, and instructional technology support. For more information about accessing these resources, visit the SRSU website. Students should correspond using SRSU email accounts and submit online assignments through Blackboard, which requires secure login information to verify students' identities and to protect students' information. The procedures for filing a student complaint are included in the student handbook. Students enrolled in distance education courses at SRSU are expected to adhere to all policies pertaining to academic honesty and appropriate student conduct, as described in the student handbook. Students in web-based courses must maintain appropriate equipment and software, according to the needs and requirements of the course, as outlined on the SRSU website.

ADA Accommodations: The University is committed to equal access compliance with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. The Disability Services Coordinator in Counseling and Student Support Services has the responsibility to ensure students with disabilities the opportunities for full participation in programs, services and activities. Students seeking disability services need to contact the Disability Services Coordinator (432-837-8203).

Academic Integrity: Students in this class are expected to demonstrate scholarly behavior and academic honesty in the use of intellectual property. Examples of academic dishonesty include but are not limited to: Turning in work as original that was used in whole or part for another course or professor, turning in another person's work as one's own, copying from professional works or internet sites without citation. For examples on citing works, please refer to: <https://owl.english.purdue.edu/owl/resource/589/02/>

Syllabus Change Policy

The syllabus is only a guide for the course and can change with advance notice.

Technical Requirements

To participate in this course, students will need to satisfy the following technical requirements: High-speed Internet access with standard up-to-date browsers. To get a list of Blackboard's supported browsers see:

https://help.blackboard.com/Learn/Student/Getting_Started/Browser_Support#supportedbrowsers

To get a list of supported operation systems on different devices see:

https://help.blackboard.com/Learn/Student/Getting_Started/Browser_Support#testeddevices-and-operating-systems

Students must maintain consistent and reliable access to their Sul Ross University email and Blackboard, as these are the official methods of communication for this course.

Students may be asked to create logins and passwords on supplemental websites and/or to download trial software to their computer or tablet as part of course requirements. The following software plug-ins for PCs and Macs, respectively, are available for free download:

Adobe Acrobat Reader: <https://get.adobe.com/reader/>

Windows Media Player:

<https://support.microsoft.com/en-us/help/14209/get-windows-media-player>

Apple Quick Time Player: www.apple.com/quicktime/download/

Specific Course Requirements

Assigned Reading from required Text book

Additional readings relevant to the course will be provided by the instructor.

Discussion Board Responses: In addition to a response to a thread on the discussion board, students will be responding to 2 of their classmates' postings. This should be responses to two different colleagues within the same thread. Responses should reflect a thoughtful conversation. Students should consult the rubric for grading criteria of these responses.

Case Brief PowerPoint Activity. Create a briefing on a choice of cases depending on the week. The PowerPoint should be uploaded into discussion board. You will also respond to two other postings of Cases that are not the same.

PowerPoint should have the following

- Name of the case and its parties
- Facts of the case (what actually happened, the controversy)
- Procedural History (what events within the court system led to the present case)
- Issues (what is in dispute)
- Rationale (reasons for the holding)
- Dicta (commentary about the decision that was not the basis for the decision)
- Dissent (if a valuable dissenting opinion exists, the dissent's opinion)
- Party's Arguments (each party's opposing argument concerning the ultimate issue)
- Comments (personal commentary)
- Judgment (what the court actually decided)

Due Process Hearing Paper. Read the study from Schandling, Cheramie and Hyatt (2015). You are not meant to replicate this study but refer to it to see how this exercise can evolve into a peer-reviewed study. The article will be located in Blackboard

Then, read and analyze the due process hearings of the past year: The link will be found in Blackboard.

Answer the following research questions in your paper

- Research Question 1: What were the primary student disability categories involved in the due process hearings?
- Research Question 2: What were the main issues (primary, secondary, and/or tertiary issues) involved in the due process hearings?
- Research Question 3: How often did students/families and school districts prevail on the overall decision (unanimous vs. substantial/majority issues) of the due process hearing?

Consult Rubric for more information.

Web Quest A WebQuest is an inquiry-oriented lesson format in which most or all the information that learners work with comes from the web. These can be created using various programs, including a simple word processing document that includes links to websites. You will go to a web quest link and answer the questions.

Manifestation Determination Review Activity Manifestation Determination Review (MDR), is a process to review all relevant information and the relationship between the child's disability and the behavior. Consequences for problem behaviors should not discriminate against a child based on his disability. You will be reading through a case study and determining whether the child's behavior is a manifestation of the disability on discussion board.

Quizzes

Grading rubrics

Rubrics are created for all assignments and can be found under the "My Grades" tab of the Blackboard Course. It is recommended that you review the rubrics before beginning any assignments to understand expectations.

Web quest Special Education Law Activity (10 points)

Discussion Board Rubric (8 points)

- Student presented pertinent/meaningful ideas for discussion
- Student responded meaningfully to classmates; presented a different perspective or added to classmates original concept
- Student demonstrates understanding of material; material is re-stated in students own words rather than directly from text
- Student demonstrates past experience or projects future experience with material; student has identified ways material could improve or impact current or future work environment

Due Process Assignment (100 points)

Introduction	10
Briefly discusses any methods for information collection of information for analysis (refer to Schandling and Cheramie study)	10
Research question #1 answered	10
Research question #2 answered	10
Research question #3 answered	10
Synthesis of what was learned	15
Conclusion	10
APA format	5
Cases are briefly described and properly cited	15
Professional Writing (free from grammar and spelling errors)	5

MDR assignment (20 points)

Case Brief Power Point (15 points x 3)

- Name of the case and its parties
- Facts of the case (what actually happened, the controversy)
- Procedural History (what events within the court system led to the present case)
- Issues (what is in dispute)
- Rationale (reasons for the holding)
- Dicta (commentary about the decision that was not the basis for the decision)
- Dissent (if a valuable dissenting opinion exists, the dissent's opinion)
- Party's Arguments (each party's opposing argument concerning the ultimate issue)
- Comments (personal commentary)
- Judgment (what the court actually decided)

Quizzes

Grading

Grading criteria are:

A	90.0 to 100%	C	70.0 to 77.9%
B	80.0 to 89.9%	D	60.0 to 69.9%

COURSE SCHEDULE

Module One	Required Readings: <ul style="list-style-type: none">• Chapter 1 Introduction to the American Legal System• Chapter 2 Legal Research	PowerPoint Quiz SPED Legal History
------------	---	--

	<ul style="list-style-type: none"> ● Chapter 3 The History of the Law and Children of Disabilities <p>Required Activities</p> <ul style="list-style-type: none"> ● Introduce yourself ● Webquest ● Quiz 	<p>WebQuest Activity Introduce yourself</p>
<p>Module Two</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> ● Chapter 4 The Individuals with Disabilities Education Act ● Chapter 5 Section 504 of the Rehabilitation Act of 1973 ● Chapter 6 The Americans with Disabilities Act <p>Required Activities</p> <p>PowerPoint Activity (Choose One)</p> <ul style="list-style-type: none"> ● <u>Mills v. Board of Education of the District of Columbia</u>, 358 F. Supp. 866 (D.D.C. 1972) ● <u>Timothy W. v. Rochester, New Hampshire, School District</u>, 875 F.2d 954 (1st Cir. 1989) ● <u>P.A.R.C v. Pennsylvania</u>, 343 F. Supp. 279 (E.D. Pa. 1972) <p>Discussion Board:</p> <ul style="list-style-type: none"> ● Compare and contrast IDEA, 504 and ADA with respect to services for children in schools. Respond to two classmates. <p>Quizzes</p>	<p>PowerPoint Quiz IDEA, 504, ADA</p>
<p>Module Three</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> ● Chapter 7 The Elementary and Secondary Education Act ● Chapter 8 Free and Appropriate Education ● Chapter 9 Identification, Assessment and Evaluation ● Texas Timelines <p>Required Activities</p> <p>PowerPoint Activity (Choose One)</p> <ul style="list-style-type: none"> ● <u>Board of Education v. Rowley</u>, 458 U.S. 176 (1982) ● <u>Honig v. Doe</u>, 484 U.S. 305 (1988). <p>Discussion Board:</p>	<p>PowerPoint FAPE and Evaluation Quiz</p>

	<ul style="list-style-type: none"> Describe an issue where you would find a denial of FAPE to a child. Describe how FAPE would be different in 504 vs IDEA. <p>Quizzes</p>	
Module Four	<p>Required Readings:</p> <ul style="list-style-type: none"> Chapter 10 The individualized Education Program Chapter 11 Least Restrictive Environment PowerPoint PPT ED5321 IEP Yell Chapter 11 <p>Required Activities</p> <p>PowerPoint Activity (Choose One)</p> <ul style="list-style-type: none"> <u>Florence Co. Sch Dist Four v. Shannon Carter, 510 U.S. 7, (1993).</u> <u>Irving Independent School District v. Tatro, 468 U.S. 883 (1984).</u> <p>Discussion Board:</p> <ul style="list-style-type: none"> Describe how least restrictive environment offers protections <p>Quizzes</p>	PowerPoint Quiz
Module Five	<p>Required Readings:</p> <p>Chapter 12</p> <p>Chapter 13 Disciplining Students with Disabilities</p> <p>MDR PowerPoint</p> <p>TCASE Addressing Behavior in the IEP</p> <p>Required Activities</p> <p>Discussion Board: MOCK MDR</p> <p>Quiz</p>	PowerPoint Due Process Paper due Quiz