

SPED 525 Special Education Law

SPRING 2012

Elaine Beason, Ed.D.
Professor of Special Education

Office Hours (Actual and Virtual)

TAMU-T Hours M & W 1:00 – 4:00 pm and by Appointment
Virtual Office Hours Only – Tuesday & Thursday 2:00-4:00
Contact Information: elaine.beason@tamut.edu Phone: 903/223-3035

DESCRIPTION

This course is an intensive study of the legislation and litigation involved with individuals with disabilities specifically concentrating on those students between the ages of birth-21 years. A historical as well as current study of legislation used as the basis for providing special education services on the federal and state level will be covered. The legal system on the federal and state level is covered as well as critical litigations that have influenced the field of special education. The student will become knowledgeable about the legal precedence for all that they do as a special educator. *This course will be offered this spring 2012 semester as a web-enhanced course during which 51% of class time will be face-to-face with the professor. The remainder of the course time will be completed on Blackboard.*

REQUIRED TEXT

Yell, M.L. (2012). The law and special education, **3rd edition**. Upper Saddle River, New Jersey: Pearson Merrill Prentice Hall. **Note: This is a new edition and a first-time use.**

STUDENT LEARNER OUTCOMES

Students will:

- a) Define the development and current trends in federal and state regulations for education and treatment of individuals with disabilities using the principles in IDEA Amendments, American's with Disabilities Act, and Rehabilitation Act of 1973 (Section 504).
- b) Delineate the current practices in local, state, and federal litigations on behalf of individuals with disabilities.
- c) Apply legal and legislative principles and generalizations to problems and situations found in general and special education;
- d) Synthesize and integrate information and ideas into legal and ethical practices applicable to public schools.

KNOWLEDGE OUTCOMES

- 1) Students will know:
 - a) The American legal system
 - b) How to complete legal research.
 - c) The history of the law for students with disabilities.
 - d) The law: IDEA, Section 504, ADA, NCLB
 - e) Case law pertaining to:
 - FAPE

- Identification, assessment & evaluation of students with disabilities.
 - Individualized education programs.
 - Zero reject
 - Appropriate education
 - Related services
 - Least restrictive environment.
 - procedural safeguards
 - disciplining students with disabilities
 - student records
 - private schools
 - IDEA and the Establishment Clause
 - Liability for student injury
 - Search and seizure
- 2) Students will know the major updates and current practices established by IDEA 2004.

COURSE REQUIREMENTS

- 1) Students will read and understand assigned readings including each of the required texts as well as other assignments made throughout the semester.
- 2) Be ready to demonstrate understanding of assigned readings during any/all class meetings by discussion, presentation, and/or one-minute writings.
- 3) Students will research three currently disputed cases in Texas (not Arkansas) that are being mediated or reviewed in the court system, and/or previously reviewed within the past 2 years. A written report will be submitted for grading. The report will depict both sides of the dispute, the decisions that were made either through mediation or legal findings through the court system and on what basis these decisions were made. A personal summary of your perception of the dispute will conclude the report. Each report must not be over 5 doubled-spaced typed pages (12 pt. font) in length.
- 4) Students will keep a record of influential court cases that have served as precedence for special education legislation and litigation for each of the following: For example, what court cases have established the precedence for each of the following? This information may be found in your textbook and other reference materials. This activity will not be graded; however, the information will be very used in preparing for course exams, TExES, and the comprehensive exam for the master's degree.
 - a. FAPE
 - b. Identification, assessment & evaluation of students with disabilities.
 - c. Individualized education programs.
 - d. Least restrictive environment.
 - e. procedural safeguards
 - f. disciplining students with disabilities
 - g. student records
 - h. private schools
 - i. IDEA and the Establishment Clause
 - j. Liability for student injury
 - k. Search and seizure

Course Activities that Determine Course Grade

What Will You Do?	How many will you complete?	How will you be graded?	How many possible points?
1) Students will demonstrate their learning and understanding by completion 15 quizzes on Blackboard.	15 quizzes (objective and essay) 20 points each.	Quizzes will be graded through Blackboard grading or In-class discussion.	300 points
2) Demonstration of understanding of assigned readings during any/all class meetings by discussion, presentation, and/or one-minute writings.	5 Discussion Board Question Responses posted using a Case Study method of learning	Ten (10) points each to equal total of 50	50 points
3) Students will research three disputed cases in Texas since 2004 IDEA. <u>OR # 4 below</u>	3 recently disputed cases in Texas	3 cases with 100 points each.	300 points
4) * Students will review three students' with disabilities cases for whom they are in contact for compliance and adherence to federal and state laws and regulations. <u>OR # 3 above.</u>	3 cases of students who are currently being provided special education services within your ISD.	3 cases with 100 points each.	300 points
			650 possible points

* This activity will only be possible for those students employed by an ISD due to confidentiality of records. Additionally, it will only be possible for those teachers who are responsible for students with disabilities either in a general education setting and/or special education setting.

Grades will be determined according to the following total percentage of all course activities.

650-585 = 90% = A

584-520 = 80% = B

479-420 = 70% = C

419-360 = 60% = D

Below 360 = F

ALL WRITTEN REPORTS WILL BE SUBMITTED TO professor via Blackboard Drop Box and to www.turnitin.com.

All attachments must have the attachment title/file name in the form below:

Last name, First Initial. 525, Project 3, Disputed Cases

Last name, First Initial, 525, Project 4, ISD Cases

Class Calendar (Tentative)

Class meetings will be scheduled so that 51% of the course will be completed face-to-face with the professor. The other 49% will be utilized by Blackboard discussions, student research and writing. Students should refer to the course calendar for specific dates of face-to-face class meetings. Attendance is required! Grades will be lowered for absences. In class instruction will be on the following dates:

CLASS MEETING DATES	TOPIC(S) TO BE COVERED IN CLASS	STUDY RESOURCE(S)
1/18/12	Introduction of Course Requirements American Legal System	Course Syllabus Yell, Chapter 1
	Legal Research Legal Research on the Internet	Yell, Chapter 2 Yell, Chapter 3
2/08/12	History of the Law and Children with Disabilities Social issues & influences	Yell, Chapter 4
2/22/12	IDEA, SECTION 504, ADA, NCLB	Yell, Chapters 5 & 6 Yell, Chapters 7 & 8
3/07/12	Free Appropriate Public Education Identification, Assessment, & Evaluation	Yell, Chapter 9 Yell, Chapter 10
3/21/12	Individualized Education Program	Yell, Chapter 11
4/04/12	Least Restrictive Environment	Yell, Chapter 12
4/18/12	Procedural Safeguards	Yell, Chapter 13
	Disciplining Students with Disabilities	Yell, Chapter 14

Note: Professor reserves the right to adjust calendar to accommodate progression of learning by students.

ADDITIONAL COURSE POLICIES AND PRACTICES

- **ONLY ONE ABSENCE IS ALLOWED DURING THE SEMESTER for emergency reasons.** Additional absences will result in the assignment of additional work and/or the lowering of course grade. Since the class meets for 2 hours 45 minutes for 7 class meetings, it is imperative that you attend each class. Please inform the professor prior to your absence through email. You will be held responsible for getting notes and handouts and any work that was missed.
- **EMERGENCY CONDITIONS DUE TO WEATHER**
Check your Blackboard email if impending emergency weather conditions have been forecasted. If class will not be held due to emergency weather conditions, there will be an email to you explaining such. Also, register online for the University emergency alert system.
- **ACADEMIC HONESTY**
Academic honesty is expected of students enrolled in this course. Cheating on examinations, unauthorized collaboration, falsification of research data, plagiarism, and copying or undocumented use of materials from any source, constitute academic dishonesty, and may be grounds for a grade of “F” in the course and/or disciplinary action. The student is responsible for reading and understanding the University Policy on Academic Integrity.
- **DISABILITY ACCOMMODATIONS**
Students with disabilities may request reasonable accommodations through the A&M-Texarkana Disability Services Office by calling 903-223-3062.
- **STUDENT TECHNICAL ASSISTANCE**
 - Solutions to common problems and FAQ’s for your web-enhanced and online courses are found at this link:
<http://www.tamut.edu/webcourses/index.php?pageid=37>

- If you cannot find your resolution there, you can send in a support request detailing your specific problem here:
<http://www.tamut.edu/webcourses/gethelp2.php>
- Blackboard Helpdesk contacts:
 - Office hours are: Monday - Friday, 8:00a to 5:00p
 - Kevin Williams (main contact) 903-223-1356 kevin.williams@tamut.edu
 - Frank Miller (alternate) 903-223-3156 frank.miller@tamut.edu
 - Nikki Thomson (alternate) 903-223-3083 nikki.thomson@tamut.edu
- **WEB ETIQUETTE**
Please review the following YouTube video for a precise explanation of web etiquette.
http://www.youtube.com/watch?v=4KYRj_Ab6Lc

Topics covered in this video include:

- Expectations for learning online.
- Prompt and active participation.
- Experienced Blackboard users can help newcomers by modeling correct behavior.
- Allow your professor to be your guide and facilitate conversation.
- Don't monopolize the conversation (Quality over quantity).
- Don't use acronyms (OMG, LOL) and excessive punctuation.
- Avoid TROLLING, posting inflammatory or extraneous remarks.
- Don't say anything you wouldn't want your own mother to hear.
- Avoid FLAMING: insulting others over the web (as occurred with the teenager who recently committed suicide due to such bullying).
- Avoid LURKING: or reading posts lightly with little or no participation.
- Always include a courteous greeting and utilize appropriate formalities in email.
- Use spell check and double check sentence structure.
- Step away from emails that are emotionally charged (i.e. sleep on it) before sending.

REFERENCERS/READING LIST/SECONDARY RESOURCES

Bosher, W.C., Kaminski, K.R., Vacca, R.S. (2004) *The school law handbook: what every leader needs to know*. Alexandria, VA: Association for Supervision and Curriculum Development

Kelly, E.B. (1998) *Legal basics: A handbook for educators* Bloomington, IN: Phi Delta Kappa

Haynes, C.C., Chaltain, S., Ferguson Jr., J.E., Hudson Jr., D.L., Thomas, O. (2003) *The first amendment in schools*. Alexandria, VA: Association for Supervision and Curriculum Development

Kemerer, F., Walsh, J. (2000) *The educator's guide to Texas school law*. Austin, TX: University of Texas Press

Sesno, A., (1998) *97 savvy secrets for protecting Self and school: A practical guide for today's teachers and administrators* Thousand Oaks, CA: Corwin Press, Inc. A Sage Publications Company

Survival guide: An indispensable reference for Texas teachers. Texas Classroom Teachers' Association www.tcta.org

Texas Education Agency <http://www.tea.state.tx.us>

New Middle School Teacher Guide <http://www.middleweb.com/1stDResources.html>

Websites for Internet Legal Search:

www.law.cornell.edu/index.html (U.S. Supreme Court opinions)

www.ca5.uscourts.gov (Fifth Circuit Court of Appeals website and opinions)

www.courts.net (recent state court and appellate court decisions; federal court opinions)

www.law.emory.edu/LA/refdesk/cournty/us/state/ (state court opinions, includes link to Law.Guru.com)

www.legaldigest.com (website for Texas School Association Legal Digest-current legal issues)

www.lexisnexis.com (general legal website)

www.findlaw.com (comprehensive legal site)

www.washlaw.edu (provides wide range of legal data bases)

www.nsba.org/cosa (National School Boards Association website for school attorneys)

www.edlaw.com (Swartz & Eichelbaum Law Firm)

www.tea.state.tx.us/juris/tec.html (Texas Education Code)

www.capitol.state.tx.us/statutes/edtoc.html (Texas Education Code)

www.tea.state.tx.us/rules/home (SBOE Rules, Texas Administrative Code)

www.tea.state.tx.us/opinopen/ogindex.shtml (Texas Attorney General Opinion)

www.tea.state.tx.us/speical.ed/hearings (special education hearings)

www.capitol.state.tx.us (state legislative news-when in session)

www.tasb.org (go to member services; then to policy services and legal services)

www.arkedu.state.ar.us (Arkansas State Department of Education)

www.arkedu.state.ar.us/rules_regs/index.html (Arkansas Dept. of Ed. Rules and Regulations)