



**College of Education and Human Development  
Division of Special Education and disAbility Research**

Spring 2013

EDSE 701 6E5: Legal Issues and Special Populations

CRN: 20362, 3 - Credit(s)

|   |   |
|---|---|
| <b>Instructor:</b> Dr. Irene Meier                                    | <b>Meeting Dates:</b> 01/10/13 - 03/14/13   |
| <b>Phone:</b> 571-423-4104  | <b>Meeting Day(s):</b> Thursdays            |
| <b>E-Mail:</b> <a href="mailto:immeier@fcps.edu">immeier@fcps.edu</a> | <b>Meeting Times:</b> 4:30PM-8:30PM         |
| <b>Office Hours:</b> Before and after class and by appointment        | <b>Meeting Location:</b> Fairfax Ridge C-04 |

***Note:** This syllabus may change according to class needs. Students will be advised of any changes immediately through George Mason e-mail and/or through Blackboard.*

**Course Description**

Offers a study of the impact of legislation and litigation on the education of special populations emphasizing IDEA and Section 504. Topics of study include emerging trends in special education based on interpretation of landmark court cases related to disability, legal updates on policies and procedures for exceptional learners, and discussion of the guiding principles of special education law when addressing the needs of special populations.

**Prerequisite(s):** None

**Co-requisite(s):** None

**Advising Contact Information**

Please make sure that you are being advised on a regular basis as to your status and progress through your program. Mason M.Ed. and Certificate students should contact the Special Education Advising Office at (703)993-3145 for assistance. All other students should refer to their faculty advisor.

## **Nature of Course Delivery**

Learning activities include the following:

1. Class lecture and discussion
2. Application activities
3. Midterm Examination
4. Small group activities and assignments
5. Video and other media supports
6. Research and presentation activities
7. Electronic supplements and activities via Blackboard

## **Learner Outcomes**

- Articulate the major provisions of key legislation including IDEA, 504, ADA, and NCLB.
- Describe and evaluate the six major principles of IDEA.
- Describe and evaluate the role of the judiciary as an influential force affecting policy making and practice.
- Analyze judicial opinions and executive agency interpretations of special education and civil rights law and apply the opinions and interpretations to local situations.
- Critically discuss and evaluate legal trends in special education.
- Substantiate the need for adherence to procedural safeguards.
- Determine the scope of related services needed for students with disabilities.
- Understand the special issues regarding related services including the medical exclusion, in-school assistance with health –related needs, and children with substance abuse problems or psychiatric disorders.
- Develop educational opportunities within the scope and application of “least restrictive environment” in inclusive and non-inclusive settings.
- Understand the school’s responsibility to evaluate, understand protections in the evaluation process and practice those responsibilities.
- Understand and communicate the procedural safeguards and dispute resolution under IDEA and Section 504 to colleagues and parents.
- Supervise the IEP review and revision process.
- Understand the “stay-put” provision in IDEA and Section 504 and communicate those requirements to principals and teachers.
- Serve as a consultant or supervisor of the IEP team in conducting “Manifestation Determination” reviews.
- Understand the requirements of a behavioral intervention plan and assist the IEP team in the preparation of such plans.
- Prepare for and administrate due process hearings and reviews under IDEA and Section 504.
- Provide testimony in administrative hearings and court actions.

- Maintain confidentiality of medical and academic records in respect of the privacy of individuals with disabilities.

### **Required Textbooks**

Yell, M. L. (2012). *The law and special education* (3rd ed.). Upper Saddle River, NJ: Pearson, Prentice Hall.

### **Additional Readings**

Additional readings will be required. Numerous supporting documents, i.e., federal statutes, federal regulations, state regulations, and court cases will be posted on the class Blackboard site.

### **Course Relationship to Program Goals and Professional Organizations**

This course is part of the George Mason University, Graduate School of Education (GSE), Special Education Program for Special Education Leadership Graduate Certificate. This program complies with the standards for teacher licensure established by the Council for Exceptional Children (CEC), the major special education professional organization. The CEC Standards are listed on the following website:

<http://www.cec.sped.org/Content/NavigationMenu/ProfessionalDevelopment/ProfessionalStandards/>. The CEC standards that will be addressed in this class include Standard 1: Foundations and Standard 2: Characteristics of Learners.

### **GMU POLICIES AND RESOURCES FOR STUDENTS:**

- a.* Students must adhere to the guidelines of the George Mason University Honor Code [See <http://academicintegrity.gmu.edu/honorcode/>].
- b.* Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/1301gen.html>].
- c.* Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, and program will be sent to students solely through their Mason email account.
- d.* The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops and outreach programs) to enhance students' personal experience and academic performance [See <http://caps.gmu.edu/>].
- e.* Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform their instructor, in writing, at the beginning of the semester [See <http://ods.gmu.edu/>].

f. Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.

g. The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing [See <http://writingcenter.gmu.edu/>].

## **PROFESSIONAL DISPOSITIONS**

Students are expected to exhibit professional behaviors and dispositions at all times.

## **CORE VALUES COMMITMENT**

The College of Education & Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Students are expected to adhere to these principles. [See <http://cehd.gmu.edu/values/>]

*For additional information on the College of Education and Human Development, Graduate School of Education, please visit our website [See <http://gse.gmu.edu/>].*

## **Course Policies & Expectations**

### **Attendance.**

#### *Absences*

Understanding you are individuals with full and active lives, who have made the intellectual and financial commitment to regularly attend class, there may be an instance when you are not able to attend. If this unlikely event should occur, it is your responsibility to make arrangements to obtain notes, handouts, and lecture details from another student (it is recommended that you have two colleagues in the course for this). Please notify the Instructor about absences in advance or within 24 hours after an absence. Be aware any points earned for participation in class activities, during a time of absence, will not be earned and cannot be made up.

#### *Assignments and Readings and Due Dates:*

For a satisfactory grade in the course, students are expected to attend all classes, arrive on time, be prepared for class, demonstrate professional behavior (see *Professional Disposition Criteria* at <http://www.gse.gmu.edu> for a listing of these dispositions), and complete all assignments with professional quality in a timely manner. To successfully complete this course, students need to adhere to the due dates for specific readings and assignments to be completed.

### **Late Work.**

Late assignments will not be accepted by the instructor. If an emergency occurs please notify the instructor in advance.

### **TaskStream Submission**

For student evaluation, program evaluation, and accreditation purposes, all students are required to submit an NCATE assignment from selected Special Education courses to TaskStream. The NCATE assignment required for this course must be submitted electronically to Mason's NCATE management system, TaskStream: (<https://www.taskstream.com>).

Note: Every student registered for any EDSE course as of the Fall 2007 semester is required to submit NCATE assignments to TaskStream (regardless of whether a course is an elective or part of an undergraduate minor). TaskStream information is available at <http://gse.gmu.edu/programs/sped/>. Students who do not submit the required NCATE assignment to TaskStream will receive a grade of Incomplete (IN) in the course. The Incomplete (IN) will change to a grade of (F) if the required signature assignment has not been posted to TaskStream by the incomplete work due date listed in the current semester's Schedule of Classes.

### **Grading Scale**

|     |              |
|-----|--------------|
| A+  | 100%         |
| A   | 95 – 99%     |
| A - | 90 – 94%     |
| B+  | 86-89%       |
| B   | 83-85 %      |
| B - | 80-82%       |
| C   | 75-79%       |
| F   | 74% or below |

### **Assignments**

#### **NCATE/TaskStream Assignments.**

#### **Common Assignments.**

|  |            |
|--|------------|
| Participation as required in class and on Blackboard | 20 points  |
| Midterm Exam   | 20 points  |
| Legal Updates Paper                                  | 30 points  |
| Legal Dilemma Project (Taskstream Submission)        | 30 points  |
|  | 100 points |

**Participation — 20%:** Students are expected to attend class and actively participate in all assignments, group activities, and class discussions. Active participation includes: asking questions, sharing insights gained from the readings and lectures, engaging in interactive discussion, and participating in activities with classmates. Active participation also includes listening and respectful consideration of the comments of others. This will require all students to complete the required readings, activities, and assignments for that specific class meeting.

**Midterm Exam – 20%:** An open-book midterm exam submitted through Blackboard summarizing information from the first four classes.

**Legal Updates Paper and Presentation — 30%:** Students are expected to identify an issue or topic of interest and complete a **5 page** report in which they analyze court cases – may include 1 historic or landmark case **but also must include current cases.** The issue or topic must be directly related to special populations. This paper should include in an overview of the issue, legal context, legal & ethical critique of the cases, a synthesis of impact on practice, and suggestions for future implementation strategies. The 5 page report must include a **reference page** with all case citations related to the concepts discussed in the paper. A summary of the report will be shared with all colleagues during an **in-class presentation.** Students will have approximately **25 minutes** for an in-class presentation to summarize the key ideas and strategies emerging from their legal updates paper, the presentation should **include time for questions, discussion, and interaction with colleagues.**

**Legal Dilemma Project — 30%:** Students are to complete an **8-10 page** paper regarding a **legal dilemma** surrounding the education of learners from special populations. The dilemma must be a real situation of legal significance for special populations. Students are to interview a school superintendent, principal, or other school official in a position of administrative responsibility who has experienced a situation with actual or potential, but not trivial, legal consequences and write a report and analysis of that situation. This is a confidential activity, meaning that no personal identities are to be revealed, although fictitious names can be used. The paper should include background information on the situation; clear connections to the law(s), such as case law, statutes, state regulations; actual outcomes/consequences; and suggestions for successful resolution.

*Expectations for Written Work*

Use appropriate grammar. Spell correctly.

Writing should be the caliber of a graduate student. Type all work.

Use Times Roman or Arial 12-font. Write clearly.

Include a cover page with name, date & assignment.

Follow APA guidelines (double space, references, etc.). **Avoid plagiarism!!!!**

**Grade Appeals: Candidates must present grade appeals in writing and must put forth a reasonable written explanation that supports their request for a grade change.**

**Other Assignments.**

All additional Blackboard assignments and readings will count towards class participation grade.

## Schedule

**EDSE 701 6E5: Spring 2013 (Irene Meier, Instructor)**

### Course Organization and Schedule

| <b>Meeting Date</b>              | <b>Topic</b>   | <b>Readings and Assignments</b> |
|----------------------------------|--|---------------------------------|
| <b>January 10, 2013</b>          | <b>Course Overview<br/>Introduction<br/>Conducting and Citing<br/>Legal Research<br/>History of Legislative and<br/>Judicial Actions</b> | <b>Chapters 1 -3</b>            |
| <b>January 17, 2013</b>          | <b>IDEA<br/>Procedural Safeguards</b>  | <b>Chapter 4 &amp; 12</b>       |
| <b>January 24, 2013</b>          | <b>FAPE<br/>Identification &amp; Assessment</b>  | <b>Chapter 8<br/>Chapters 9</b> |
| <b>January 31, 2013</b>          | <b>Individualized Education<br/>Programs<br/>LRE</b>   | <b>Chapters 10 &amp; 11</b>     |
| <b>February 7, 2013 (online)</b> | <b>Midterm Exam</b>  | <b>Submitted via Blackboard</b> |
| <b>February 14, 2013</b>         | <b>Section 504 &amp; ADA<br/>ESEA (NCLB)<br/>Legal Updates Presentations</b>   | <b>Chapters 5, 6, 7</b>         |
| <b>February 21, 2013</b>         | <b>Discipline<br/>Legal Updates Presentations</b>  | <b>Chapter 13</b>               |
| <b>February 28, 2013</b>         | <b>Additional Legal Issues<br/>Legal Updates Presentations</b>   | <b>Chapter 14</b>               |
| <b>March 7, 2013</b>             | <b>Legal Updates Presentations</b>   |                                 |
| <b>March 14, 2013</b>            | <b>Legal Updates Presentations</b>   |                                 |

**RUBRIC FOR THE MAJOR REQUIRED ASSIGNMENT (TaskStream Submission Required)**  
**Legal Dilemma Project (Total: 30 pts)**  
**8-10 page paper**

| <b>Evaluation Standards</b>                   | <b>Exceeds Expectations</b>   | <b>Meets Expectations</b>  | <b>Does Not Meet Expectations</b>   |
|---|---|--|---|
| Background information and legal significance | Includes insightful background information on the situation and makes clear connections to legal significance of situation.                                     | Includes background information on the situation and makes clear connections to legal significance of situation.                             | Fails to include clear and sufficient background information; fails to explain legal significance of situation.   |
| Analysis                                      | Fully and clearly summarizes and analyzes the legal framework.  | Summarizes and analyzes the legal framework.   | Summary and analysis is disorganized or lacking key information.  |
| Suggestions for Resolution                    | Reveals novel thinking and generates insight on how special needs might be better met; suggestions are creative and realistic.                                  | Reveals sufficient effort to think creatively about resolution of issue; suggestions are sound.  | Reveals minimal effort to think about resolution in a creative manner; suggestions are acceptable.  |
| Overall Legal Dilemma Project                 | Project identifies a significant legal dilemma AND provides clear connections to a legal framework. Written in an organized style using APA and minimal errors. | Project identifies a significant legal dilemma AND connects to a legal framework. Writes in an organized style using APA and minimal errors. | Project fails to clearly identify a significant legal dilemma OR fails to provide clear connections to a legal framework. Numerous APA and writing errors distract reader |

**Legal Updates Paper and Presentation**

**(Total: 30 pts)**

Student Name: \_\_\_\_\_

Topic: \_\_\_\_\_

**Written Report**

Overview of issue and legal context is organized and clear \_\_\_\_\_ (3 points)

Cases are thoroughly analyzed & critiqued \_\_\_\_\_ (5 points)

Synthesis of impact on practice is clear \_\_\_\_\_ (5 points)

Suggestions for future implementation strategies are clear \_\_\_\_\_ (3 points)

**Presentation**

Issue and cases are clearly identified \_\_\_\_\_ (5 points)

Information is clearly communicated and accurate \_\_\_\_\_ (5 points)

**Discussion/Engagement**

Able to engage colleagues in discussion \_\_\_\_\_ (4 points)

(E.g., interactive; opportunity for questions & input)

**Total Points** \_\_\_\_\_ **(30 points)**

INSTRUCTOR COMMENTS: