



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

Spring 2015

EDSE 701 689: Legal Issues and Special Populations

CRN: 18120, 3 - Credits

<b>Instructor:</b> Dupree Deborah, J.D., M.Ed.	<b>Meeting Dates:</b> 1/6/2015 - 3/10/2015
<b>Phone:</b> 703-307-9173 (cell) 571-252-1066 (office)	<b>Meeting Day(s):</b> Tuesdays
<b>E-Mail:</b> <a href="mailto:ddupree@me.com">ddupree@me.com</a> (personal) <a href="mailto:Deborah.Dupree@lcps.org">Deborah.Dupree@lcps.org</a> (work)	<b>Meeting Time(s):</b> 4:30 pm-8:30 pm
<b>Office Hours:</b> By appointment	<b>Meeting Location:</b> Off-campus Loudoun County Public Schools Administration Building, <b>Room 211</b> 21000 Education Court Ashburn, VA 20148 Phone: 571-252-1011

**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) 993-3670 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. Small group activities and assignments
4. Video and other media supports
5. Research and presentation activities
6. Electronic supplements and activities via Blackboard, Google Docs, Survey Monkey
7. Students are encouraged to bring a personal computing device (tablet, smartphone, computer) to support their participation in the in-class activities. It is expected that students will be able to access the LCPS Open wireless network while onsite at the administration building.
8. Online activities will include the completion of alternative classwork in the event of weather related cancellations. Online activities will require access to high speed internet in order to access websites, discussion boards, etc. Please notify the instructor by the second class session if your home access to high speed internet is limited to ensure that an alternative delivery method is available for you.

### **Learner Outcomes**

Upon completion of this course, students will be able to:

- 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.

### **Required Textbooks**

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

### **Digital Library Option**

The Pearson textbook(s) for this course **may be** available as part of the **George Mason University Division of Special Education and disAbility Research Digital Library**. Please note that not all textbooks are available through this option. Visit the links below before purchasing the digital library to ensure that your course(s) text(s) are available in this format. The division and Pearson have partnered to bring you the Digital Library; a convenient, digital solution that can save you money on your course materials. The Digital Library offers you access to a complete digital library of **all Pearson textbooks** and MyEducationLabs used across the Division of Special Education and disAbility Research curriculum at a low 1-year or 3-year subscription price. Access codes are available in the school bookstore. Please visit <http://gmu.bncollege.com> and search the ISBN. To register your access code or purchase the Digital Library, visit:

<http://www.pearsoncustom.com/va/gmu/digitallibrary/education/index.html>

- 1 year subscription \$200 ISBN-13: 9781269541411
- 3 years subscription \$525 ISBN-13: 9781269541381
- Individual e-book(s) also available at the bookstore link above or at <http://www.pearsoncustom.com/va/gmu/digitallibrary/education/index.html>

### **Additional Readings**

Additional readings will be required and include numerous supporting documents, i.e., federal statutes, federal regulations, state regulations, and court cases. Additional readings and supporting documents will be posted on the class Blackboard site and, for the first three classes, emailed/provided to students.

### **Required Access to Course Blackboard Site:**

After the third course, Blackboard will be used to post important information for this course. Plan to access the Bb site several times each week (weeks 4 – 10); announcements and resources are posted in between class sessions (e.g., in response to queries or information requested by students). There will also be materials, supplemental resources, and helpful documents available on Bb (choices for these resources may vary from student to student, depending on interest and focus during the semester).

### **Course Relationships 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 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://oai.gmu.edu/the-mason-honor-code/>].
- b. Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/policies/responsible-use-of-computing/>].
- 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.

### **Participation – 20 points**

Students are expected to attend all classes on time and actively participate in all assignments, group activities, and class discussions in order to receive full participation credit. Active participation includes: asking questions, sharing insights gained from reading 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. Active participation will require all students to complete the required readings, activities, and assignments for that specific class meeting.

### **Absence**

In the event that an absence is related to a Loudoun County Public School event for which the student's attendance is required by their principal, the student must inform the instructor before the start of the class to be missed. Absences due to illness, family emergencies or other events must be communicated to the instructor as soon as possible. Students may email or text the instructor to advise of absences. The completion of alternate activities will be expected in order to support the student's development of proficiency in course content.

Students are expected to arrive on time; however, due to area travel/traffic and emergent school dismissal activities, a grace period of 15 minutes is available for students on an occasional/infrequent basis. The student is responsible for making up any work missed during

this grace period. The instructor will conference with any student whose late arrival, based on sign-in information, is determined to be a routine/frequent occurrence.

#### Late Work.

Due to the compressed nature of the course, late work is not accepted by the instructor. The deadline (date and time) for each submission is listed on the syllabus. If desired by the student, a draft of written work may be submitted in advance of the deadline to support consultation with the instructor. Submission of draft work does not relieve the student from on-time completion of the assignment.

#### TaskStream Submission

Every student registered for any Special Education course with a required performance-based assessment is required to submit this assessment, *Legal Dilemma* to TaskStream (regardless of whether a course is an elective, a onetime course or part of an undergraduate minor). Evaluation of the performance-based assessment by the course instructor will also be completed in TaskStream. Failure to submit the assessment to TaskStream will result in the course instructor reporting the course grade as Incomplete(IN). Unless the IN grade is changed upon completion of the required TaskStream submission, the IN will convert to an F nine weeks into the following semester.

If you have never used TaskStream before, you MUST use the login and password information that has been created for you. This information is distributed to students through GMU email, so it is very important that you set up your GMU email. For more TaskStream information, go to <http://cehd.gmu.edu/api/taskstream>.

#### Grading Scale

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

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

Participate as required in class and online	20 points
Group Project (Special Education Issues Debate)	20 points
Legal Updates Paper	30 points
Legal Dilemma Project	30 points

### Expectations for Written Work

Use appropriate grammar	Spell correctly
Writing should reflect graduate student level work/educator professionalism	Use appropriate technology to support assignments (i.e., word processor, presentation tools)
Use Arial 12, or Times New Roman 12 fonts	Write clearly
Include a cover page with name, date, and assignment (cover page does not count in page limitations)	Proofread (Find a good proofreader!)
Follow APA guidelines (double-spaced, references, etc.)	Avoid plagiarism!!! Cite all work that is not your own!

### Assignments

#### **Performance-based Assessment (TaskStream submission required).**

#### **NCATE - Legal Dilemma Project - 30 points**

Students are to complete an **8-10 page paper regarding a legal dilemma surrounding the education of learners in special populations**. The dilemma must be a real situation of legal significance for special populations. Students are to interview a school administrator (assistant superintendent, director, principal, supervisor, assistant 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. In addition, no school names should be used within the paper; students are encouraged to create a fictitious school name. The paper **must** include background information on the situation, clear connection to the law(s), such as case law, statutes, regulations (federal and state), division policies, actual outcomes/consequences, and suggestions for successful resolution.

#### **Performance-based Common Assignments (No TaskStream submission required).**

#### **Group Project – Legal Issues Debate – 20 points**

Students will collaborate to debate an instructor assigned legal issue. Each team will conduct research and develop debate points to defend one side of a case study that includes a legal/regulatory issue arising from the delivery of services to exceptional learners. Students are expected to develop concise, cogent arguments in support of their position; the arguments must

include references to special education laws, federal and state regulations, procedural case law, applicable school division policies, and, as available, research or evidence-based practices. Groups will present their debate to the class. Each group member must participate in the debate; members will receive an individual grade based on the rubric in the appendix.

### **Legal Updates Paper and Presentation – 30 points**

Students are expected to identify an issue or topic of interest and complete a 5 page report in which they analyze court cases. **The paper may include 1 historic or landmark case but must also include current cases.** The issue or topic must be directly related to special populations. A summary of the report will be shared with all colleagues during an in-class presentation. The 5 page report must include an appendix with **at least 5** case briefs that lay the foundation for the concepts discussed in the paper. This paper should include an overview of the issue, legal context, legal and ethical critique of the cases, a synthesis of impact on practice, and suggestions for future implementation strategies. Students will also develop an in-class presentation to summarize the key ideas and strategies emerging from their legal updates paper; the presentation timeframe must include time for questions, discussion, and interaction with colleagues. Students will sign up for their presentation time during class three (3).

#### **Other Assignments.**

Students will complete periodic, non-graded, formative assessments as checks for understanding.

### **Schedule**

#### Course Organization and Tentative Schedule

<b>Meeting</b>	<b>Topic</b>	<b>Readings and Assignment</b>
January 6 Class 1	Course Overview Legal System: An Overview Conducting Legal Research Legal Briefs	Begin Planning Assignments Discuss Formative Assessments Yell Chapters 1&2 skim pp. 15-26
January 13 Class 2	History of Special Education Laws IDEA	Yell Chapters 3&4 Begin Planning Legal Dilemma Project (Generate/discuss list of possible topics) Supplemental Readings (provided by instructor) Debate Planning: Group Selection and Topic Assignment

<b>Meeting</b>	<b>Topic</b>	<b>Readings and Assignment</b>
January 20 Class 3	Section 504 and ADA	Yell Chapters 5&6 Supplemental Readings (provided by the instructor) Debate Planning <b>Formative Assessment (in-class)</b> <i>History of Special Education; Section 504 and ADA</i>
January 27 Class 4	ESEA/NCLB and Ethical Decision-Making	Yell Chapter 7 Supplemental Readings Online <i>Work on Legal Dilemma Paper Debate - Group #1</i>
February 3 Class 5	FAPE Identification, Assessment, Evaluation	Yell Chapters 8 & 9 Supplemental Readings Online <i>Debate – Group #2</i>
February 10 Class 6	IEP LRE	Yell Chapters 10 & 11 Supplemental Readings Online <b>Formative Assessment</b> <i>(FAPE, Assessment, Evaluation; IEP and LRE)</i> Work on Legal Dilemma Paper  <b>Legal Updates Paper Due Midnight Sunday, 2/15/2015</b>
February 17 Class 7	Procedural Safeguards <i>Legal Updates Presentations</i>	Yell Chapter 12 Supplemental Readings Online <i>Debate – Group #3</i>
February 24 Class 8	Emerging Issues RTI <i>Legal Updates Presentations</i>	Yell Chapter 14 Supplemental Readings Online <b>Debate – Group #4</b>
March 3 Class 9	Discipline	Yell Chapter 13 Supplemental Readings Online
March 10 Class 10	Presentation of Legal Updates  <b>Final Class</b>	<b>Legal Dilemma Paper Due (Taskstream) Midnight 3/10/2015</b>

## Appendix

### Rubric for the NCATE-TaskStream Assignment Legal Dilemma Project (Total: 30 points)

Evaluation Standards	Exceeds Expectations	Meets Expectations	Does Not Meet Expectations
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 unacceptable.
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.

Rubric for Legal Updates Paper and Presentation  
(Total: 30 points)

Student Name and topic: \_\_\_\_\_

Written Report:

Indicator	Points Available	Points Awarded
Overview of issue and legal context is organized and clear	2	
Cases are thoroughly analyzed and critiqued	5	
Case Briefs are accurate and complete	5	
Synthesis of impact on practice is clear	3	
Suggestions for future implementation strategies are clear	5	
Total Written Report Points		

Presentation:

Indicator	Points Available	Points Awarded
Issues and cases are clearly identified	2	
Information is clear and accurate	3	
Total Presentation Points		

Discussion/Engagement:

Indicator	Points Available	Points Awarded
Able to engage colleagues in discussion (e.g., interactive, opportunity for questions and input)	3	
Overall communication skills	2	
Total Engagement Points		

Total Points: \_\_\_\_\_

Instructor Comments:

Rubric for Group Project - Debate  
Points (20)

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

Issue:

Defending: \_\_\_Pro \_\_\_Con

Evaluation Standards	Exceeds Expectations (5)	Meets Expectations (3)	Does Not Meet Expectations (1)
Factual Information	In addition to the meets expectation behavior, uses research to create/articulate a common background knowledge and incorporates the background knowledge as additional factual support.	Used provided facts to support the arguments.	Failed to use provided facts to support the argument.
Comprehension	Fully and clearly summarizes and analyzes the legal framework. Includes at least 4 references (e.g., federal and state regulations, state guidance documents, case law, and division policies).	Summarizes and analyzes the legal framework through discussion of federal/state regulations and case law only.	Summary and analysis lacks references to either a regulatory or case law basis.
Recommendations/ Summary	Articulates legally supported, compliant, creative, recommendations on what should have been done differently/other considerations. Summarized major points and relates to management of service delivery.	Articulates recommendations to support the position. Recommendations are compliant with requirements but may only list the status quo with minimal references to other considerations in managing service delivery.	States recommendations without clear reference to compliance, options for consideration or management of service delivery.
Rebuttal	Expertly addressed all opponent arguments with counter evidence that indicates a depth of research into all aspects of the issue.	Addressed most opponent arguments with counter evidence that indicates some research into opposing aspects of the issue.	Struggles to address opponent arguments with counter evidence; relies on repeating initial positions.