

**GEORGE MASON UNIVERSITY  
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT  
SPECIAL EDUCATION  
EDSE 701: Legal Issues and Special Populations (3 credits)**

**Instructors:** Judith Risch, J.D., Ph. D, and Howard Kallem, J.D.  
**Office Hours:** By appointment

Schedule Information

Semester and Year: Winter/Spring 2010

Course day/time: Wednesdays, 4:30 – 8:30 pm  
1/6/10 – 3/10/10

Course location: Francis C. Hammond Middle School, 4646 Seminary Rd., Alexandria, Room C124.

**COURSE DESCRIPTION**

Offers a study of the impact of legislation and litigation on the education of special populations emphasizing IDEA, Section 504, and ADA. Topics of study include emerging trends in special education based upon 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.

Prerequisites: There are no *required* prerequisites for this course, but it is strongly recommended that students completing the Certificate in Special Education Leadership complete courses in a specific order. Please refer to your Program of Studies for the recommended sequence of courses if you are completing the Certificate in Special Education Leadership.

**NATURE OF COURSE DELIVERY**

**Learning activities include the following:**

- Discussion of materials read in preparation for course sessions.
- Student participation in small group activities, including analysis and synthesis of readings.
- Application of course concepts to case briefs and scenarios.
- Lectures and large group discussion activities.
- Online discussions and other individual assignments.
- Access and analyze materials and resources using a variety of medium, including Blackboard, web-based resources, and professional peer-reviewed journal articles.

**LEARNER OUTCOMES**

This course is designed to enable students to:

1. Articulate the major provisions of key legislation including IDEA, 504, ADA, and NCLB.
2. Describe and evaluate the six major principles of IDEA.
3. Describe and evaluate the role of the judiciary as an influential force affecting policy making and practice.
4. Analyze judicial opinions and executive agency interpretations of special education and civil rights law and apply the opinions and interpretations to local situations.
5. Critically discuss and evaluate legal trends in special education.
6. Substantiate the need for adherence to procedural safeguards.

7. Determine the scope of related services needed for students with disabilities.
8. 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.
9. Develop educational opportunities within the scope and application of “least restrictive environment” in inclusive and non-inclusive settings.
10. Understand the school’s responsibility to evaluate, understand protections in the evaluation process and practice those responsibilities.
11. Understand and communicate the procedural safeguards and dispute resolution under IDEA and Section 504 to colleagues and parents.
12. Supervise the IEP review and revision process.
13. Understand the “stay-put” provision in IDEA and communicate the requirement to principals and teachers.
14. Serve as a consultant or supervisor of the IEP team in conducting “Manifestation Determination” reviews.
15. Understand the requirements of a behavioral intervention plan and assist the IEP team in the preparation of such plans.
16. Prepare for and administrate due process hearings and reviews under IDEA and Section 504.
17. Provide testimony in administrative hearings and court actions.
18. Maintain confidentiality of records in respect of the privacy of individuals with disabilities.

## **PROFESSIONAL STANDARDS**

### **Course’s Relationship to Program Goals and Professional Organization**

This course is part of the George Mason University, Graduate School of Education (GSE), Special Education Program. This program complies with the standards for special educators established by the Council for Exceptional Children (CEC), the major special education professional organization.

The CEC Standards are listed on the following web site: <http://www.cec.sped.org> . Look in the second column on the left, and click on “Professional Standards.” On this page, to the right, there is a red book PDF document titled “What Every Special Educator Must Know.” The CEC Standards for all beginning special education administrators are located in this document. The primary CEC standards that will be addressed in this class are Standard 1: Foundations for the Special Education Administrator and Standard 2: Development and Characteristics of Learners. The standards are stated as follows:

### **Standard 1: Foundations**

Special educators understand the field as an evolving and changing discipline based on philosophies, evidence-based principles and theories, relevant laws and policies, diverse and historical points of view, and human issues that have historically influenced and continue to influence the field of special education and the education and treatment of individuals with exceptional needs both in school and society. Special educators understand how these influence professional practice, including assessment, instructional planning, implementation, and program evaluation. Special educators understand how issues of human diversity can impact families, cultures, and schools, and how these complex human issues can interact with issues in the delivery of special education services. They understand the relationships of organizations of

special education to the organizations and functions of schools, school systems, and other agencies. Special educators use this knowledge as a ground upon which to construct their own personal understandings and philosophies of special education.

### **Standard 2: Development and Characteristics of Learners**

Special educators know and demonstrate respect for their students first as unique human beings. Special educators understand the similarities and differences in human development and the characteristics between and among individuals with and without exceptional learning needs (ELN). Moreover, special educators understand how exceptional conditions can interact with the domains of human development and they use this knowledge to respond to the varying abilities and behaviors of individual's with ELN. Special educators understand how the experiences of individuals with ELN can impact families, as well as the individual's ability to learn, interact socially, and live as fulfilled contributing members of the community.

### **COURSE TEXTS AND MATERIALS**

#### **Required Texts:**

American Psychological Association (2009). *Publication Manual* (6<sup>th</sup> ed., second printing). Washington, DC.

Yell, Mitchell L. (2006). *The Law and Special Education* (2nd ed.). Upper Saddle River, NJ: Pearson, Prentice Hall.

**Supplemental Readings:** Additional readings will be required. Numerous supporting documents, i.e., federal statutes, federal regulations, state regulations, and court cases will be distributed and/or posted on the class Blackboard site.

**Required Access to Course Blackboard Site:** GSE Blackboard will be used to post important information for this course. Plan to access the Bb site several times per week; announcements and resources are posted on the Bb site in between class sessions (e.g., in response to queries or information requested by students). There will also be materials and web sites on the Bb site for supplemental resources (choices for these resources may vary from student to student, depending on interest and focus during the semester).

### **COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT STATEMENT OF EXPECTATIONS**

The College of Education and Human Development expects all students to abide by the following:

- Students are expected to exhibit professional behavior and dispositions. See <http://www.gse.gmu.edu/> for a listing of these dispositions.
- Students must know and follow the guidelines of the University Honor Code. See [http://www.gmu.edu/catalog/apolicies/#TOC\\_H12](http://www.gmu.edu/catalog/apolicies/#TOC_H12) for the full Honor Code.
- Students are expected to use APA Guidelines for written work and provide credit when using the work of others. GMU currently subscribes to [www.turnitin.com](http://www.turnitin.com) and the instructor may submit student work to that site for to determine originality of work.
- Students must agree to abide by the university policy for Responsible Use of Computing. See <http://mail.gmu.edu> and click on Responsible Use of Computing at the bottom of the screen.

- Students with disabilities wishing to seek accommodations in a course must be registered with the GMU Office of Disability Service and inform the instructor, in writing, at the beginning of the semester. See <http://www.gmu.edu/student/drc> or call 703-993-2474 to access the ODS.

***Keep Products from This Course for Future Use in Your Professional Portfolio!***  
*Retain electronic copies of all course products to document their progress through the GSE Special Education program. Products from this class can become part of your individual professional portfolio used in your portfolio classes that document your satisfactory progress through the GSE program and the CEC performance based standards. As the program moves towards electronic portfolios, it will be even more important to have artifacts (i.e., scored assignments) saved electronically.*

## **COURSE EXPECTATIONS**

*George Mason University Email:* <http://mserver3.gmu.edu/>

From this link, follow the directions for activating an email account. Every student is required to establish a GMU email account. Course email correspondence and other important university emails will be sent to GMU email accounts.

*George Mason Blackboard:* <http://blackboard.gmu.edu> GSE Blackboard will be used to post important information for this course (and others) and in completing some course assignments. Materials, resources, dialogues, notes, and other types of information will be housed on this course's Blackboard web site.

*George Mason Patriot Web:* <https://patriotweb.gmu.edu/>

This is a self-service website for students, faculty, and staff of George Mason University. There is a wealth of useful links, information, and online forms on this website including program of studies details, application for graduation, request for transfer of credit, and internship application.

*George Mason University Honor Code:* <http://www.gmu.edu/facstaff/handbook/aD.html>

This URL defines student and faculty conduct to promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of the George Mason University community. The honor code deals specifically with cheating and attempted cheating, plagiarism, lying, and stealing. In an effort to maintain trust in the classroom as well as provide a prerequisite for deterring plagiarism, *Turnitin*, a plagiarism detection service, may be used to evaluate materials submitted by students for evaluation.

### *Advising:*

Please make sure that you are being advised on a regular basis as to your status and progress through your program. You may wish to contact the GMU Special Education at 703.993.2387. Please be prepared with your G number when you contact her.

### *Writing Resources and Support:*

APA Formatting Guidelines are also available at <http://www.psywww.com/resource/apacrib.htm>

This website is offered as a companion to the APA style manual. *However, it should not be considered a substitute for directly consulting the APA manual, 5<sup>th</sup> edition for standard of*

procedures for applying APA style. Additional APA help URLs are available on the GSE library URL and may be available on the course Blackboard site. Caution with using web sites or resources other than the APA manual because some may have erroneous information on them.

Another type of writing support during this course is available via the George Mason University Writing Center for support in writing (support needs will vary among students). The web site for the Writing Center is: <http://writingcenter.gmu.edu/>. Many resources are available both on site and on the web, and students can now conveniently register online for appointments.

*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). Students who are absent are held responsible for the material covered and assignments due as if in attendance. Please be sure to notify the classmate(s) in sufficient time for them to be of assistance for you. Recommended, but not required, is that you 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. Final grades cannot be submitted until Legal Dilemma Project is submitted to Taskstream.

**COURSE REQUIREMENTS, PERFORMANCE-BASED ASSESSMENT, AND EVALUATION CRITERIA**

**Grades:** A=94-100 A-=90-93 B+=86-89 B=80-85 C=79-70 F=<70

**Assignments:**

Participation as required in class and on Blackboard	25 points
Case Scenarios prepared between class sessions	20 points
Legal Updates Paper	20 points
Legal Dilemma Project	35 points
Total	100 points

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

**Participation – 25%:** 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. If class is cancelled due to inclement weather, make-up assignment will be provided through Blackboard discussion, with participation required.

**Caw Scenarios—20%:** Each student will be expected to complete 5 case scenarios over the course of the semester, relying on your school division’s special education policies and procedures and provisions.

**Legal Updates Paper– 20 %:** Students are expected to complete a 5 page report in which they analyze landmark and current court cases on one issue related to special populations. In addition to court cases, sources should include statutes (federal and state) and their regulations. Other sources may include non-regulatory guidance, articles, cases, and administrative decisions related to the legal topic under examination. Students will complete at least 5 case briefs to include in an appendix that lay the foundation for the concepts discussed in the paper. 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.

**Legal Dilemma Project—35%:** Students are to complete an 8-10 page paper and conduct a class presentation regarding a legal dilemma surrounding the education of learners from special populations. The dilemma must be a real situation of legal significance. 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 produce a written 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), actual outcomes/consequences, and suggestions for successful resolution. Students will make a presentation of findings to the group and will facilitate a discussion of implications for practice.

**Tentative Course Organization and Schedule**

Meeting	Topic	Readings & Assignments
Week 1 January 6	The Legal System: An Overview Conducting Legal Research Legal Briefs History of Legislative and Judicial Actions Regarding Special Populations Legislative & Judicial Updates: IDEA Planning for Course	Yell Chapters 1-5 Begin planning Legal Dilemma Project
Week 2 January 13	Civil Legislation & Judicial Updates: ADA and 504	Yell Chapters 6 & 7; Supplemental Readings <i>Work on Legal Dilemma Project</i>
Week 3 January 20	NCLB and Ethical Decision-Making for IDEA	Yell Chapter 8; Supplemental Readings
Week 4	FAPE	Yell Chapter 9: Supplemental Readings

Meeting	Topic	Readings & Assignments
January 27		
Week 5 February 3	Identification, Assessment, and Evaluation Presentation of Legal Dilemma Projects Last Hour	Yell Chapter 10; Supplemental Readings
Week 6 February 10	IEPs Presentation of Legal Dilemma Projects Last Hour	Yell Chapter 11; Supplemental Readings <i>Work on Legal Updates Paper</i>
Week 7 February 17	LRE Presentation of Legal Dilemma Projects Last Hour	Yell Chapter 12; Supplemental Readings <i>Work on Legal Updates Paper</i>
Week 8 February 24	Procedural Safeguards Discipline Presentation of Legal Dilemma Projects Last Hour	Yell Chapters 13 & 14; Supplemental Readings
Week 9 March 3	Additional Issues RTI Legal Trends for the Education of Special Populations Presentation of Legal Dilemma Projects Last Hour	Yell Chapter 15; Supplemental Readings
Week 10 March 10	Over-Identification & Disproportionality English Language Learners	Supplemental Readings <b>Legal Updates Paper Due</b>

**Rubric for Legal Dilemma Project (Total: 25 pts)**

**Class presentation of legal dilemma, discussion in-class, 8-10 page paper**

Evaluation Standards	Exceeds Expectations	Meets Expectations	Does Not Meet Expectations
Paper	Synthesis goes beyond the obvious. Suggestions are creative and realistic. Minimal writing errors.	Includes background information on the situation, clear connections to the law(s), actual outcomes/consequences, and suggestions for successful resolution. Writes in an organized style using APA.	Fails to meet all elements of the stated expectations. Writing is mechanically unsound.
Presentation	Articulates novel implications for practitioners.	Presents a broad, interesting background. Summarizes and analyzes the legal framework. Presents in an organized style.	Presentation is disorganized or lacking key information.
Discussion	Encourages dialogue and novel thinking.	Proposes thought-provoking questions or discussion points. Clearly communicates key ideas.	Minimal efforts to engage the audience are made.
Overall Legal Dilemma Project	The project meets expectations and generates insightful suggestions for how special needs might be better met.	The project clearly identifies a significant legal dilemma AND provides clear connections to a legal framework.	This project fails to clearly identify a significant legal dilemma OR fails to provide clear connections to a legal framework.