



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

Summer 2013

EDSE 701 6E6: Legal Issues and Special Populations  
CRN: 41791, 3 - Credit(s)

<b>Instructor:</b> Dr. Susan Bon	<b>Meeting Dates:</b> 05/30/13 - 07/25/13
<b>Phone:</b> 703.993.3896 (office) and 571.261.3613 (home)	<b>Meeting Day(s) and Time(s):</b> Thursdays; 4:30 pm - 9:30 pm
<b>E-Mail:</b> sbon@gmu.edu	
<b>Office Hours:</b> By appointment.	<b>Meeting Location:</b> Loudoun County Administrative Building Room 420 21000 Education Court Ashburn, Virginia 20148 Phone: (571) 252-1020.

**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:**

- 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**

- 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.

**Supplemental 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.

**Required Access to Course Blackboard Site:** 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, 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).

**Required submission of written assignment(s) to Taskstream:** Per the Special Education Program requirements.

**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://oai.gmu.edu/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%:** 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.

### **Late Work.**

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

### **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.

### 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: Candidates 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 on Blackboard	20 points
Quizzes (Take-home)	20 points
Legal Updates Paper	30 points
Legal Dilemma Project	30 points
<b>Total</b>	100 points

### 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.	Find a good proofreader!
Follow APA guidelines (double space, references, etc..).	<b>Avoid plagiarism!!!!</b>

### Assignments

#### NCATE/TaskStream Assignments.

**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.

### **Common Assignments.**

**Take-Home Quizzes — 20%:** Each student will complete four online (open book and at home) quizzes of key course concepts and submit the quiz prior to class on the assigned date in order to receive credit . The final grade is based upon 4 quizzes, each quiz is worth 5-points. **Please note,** if you miss a quiz, or submit a quiz after class begins you will not receive credit for the quiz.

**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. 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 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. 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.

### **Other Assignments.**

None.

## Schedule

### Course Organization and Tentative Schedule

Meeting	Topic	Readings & Assignments
May 30	Course Overview Legal System: An Overview Conducting Legal Research Legal Briefs	<i>Begin Planning Assignments</i> <i>Review Quizzes</i> Yell Chapter 1; skim pp.15-26
June 6	History of Special Education Laws IDEA	Yell Chapters 3 & 4 <i>Begin Planning Legal Dilemma Project</i>
June 13	Section 504 and ADA	Yell Chapters 5 & 6 <b>Quiz #1</b> <i>Work on Legal Dilemma Project</i>
June 20	ESEA/NCLB and Ethical Decision-Making	Yell Chapter 7 Supplemental Readings online <i>Work on Legal Dilemma Project</i>
June 27	FAPE Identification, Assessment, Evaluation	Yell Chapters 8 & 9 <b>Quiz # 2</b> <i>Begin planning Legal Updates paper</i>
July 11	IEP LRE	Yell Chapters 10 & 11 <b>Quiz #3</b> <i>Work on Legal Updates Paper</i>
July 18	Procedural Safeguards Discipline	Yell Chapters 12 & 13 <b>Quiz # 4</b> <i>Work on Legal Updates Paper</i>
July 25	Emerging Issues: RTI, Case Updates <i>Presentation of Legal Updates Papers</i> <b>Final Class</b>	Yell Chapter 14 Supplemental Readings online <i>Legal Updates Paper Due</i>

NOTE: The above represents an approximation of the items to be covered and the respective dates. True coverage will depend on the pace of the discussion, the collective needs of students and the professor and the demands of time. You are expected, however, to keep pace with the calendar of assigned readings.

**\*In the event of an emergency or unanticipated conflict, an online activity may be required in lieu of a face-to-face class meeting. In case of such an event, the online activity is mandatory.**

## Appendix

### RUBRIC FOR THE MAJOR REQUIRED ASSIGNMENT

#### Legal Dilemma Project (Total: 30 pts)

#### 8-10 page paper

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 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 and topic \_\_\_\_\_

### Written Report

- |  |       |            |
|--|-------|------------|
| Overview of issue and legal context is organized and clear | _____ | (2 points) |
| Cases are thoroughly analyzed & critiqued                  | _____ | (5 points) |
| Case Briefs are accurate and complete                      | _____ | (5 points) |
| Synthesis of impact on practice is clear                   | _____ | (3 points) |
| Suggestions for future implementation strategies are clear | _____ | (5 points) |

### Presentation

- |  |       |            |
|--|-------|------------|
| Issue and cases are clearly identified | _____ | (2 points) |
| Information is clear and accurate      | _____ | (3 points) |

### Discussion/Engagement

- |   |       |            |
|---|-------|------------|
| Able to engage colleagues in discussion<br>(E.g., interactive; opportunity for questions & input) | _____ | (3 points) |
| Overall communication skills  | _____ | (2 points) |

<b>Total Points</b>	_____	<b>(30 points)</b>
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INSTRUCTOR COMMENTS: