

Loyola University Chicago
Legal Issues: Educating Students with Disabilities
CIEP 410 – Spring 2011

Instructor: Martha Ellen Wynne, Ph.D.

e-mail: mwynne@luc.edu

Telephone: 312.915.7014

Office: LT 1128

Classroom: School of CMUN - Room 223

Class time: Thursday, 1:00 p.m.-3:30 p.m.

Office hours: By appointment on Wednesdays BEFORE 4:15 p.m.

Clerk: Gregory Moy, M.Ed.

e-mail: gmoy1@luc.edu

Intended Audience: This course is intended for all graduate level school personnel, as all school personnel are likely to have responsibilities with regard to students with disabilities.

Conceptual Framework: The conceptual framework of Loyola's School of Education is **Professionalism in the Service of Social Justice**. This course is consistent with that framework in that it seeks to orient students to the ethical and legal issues surrounding services provided persons with disabilities within our schools. Students are encouraged to think about educational issues from the perspectives of differing parties in conflict including parents and students with disabilities themselves. The history of providing services to students with disabilities is mixed, and how well we do this in our country should be considered within the context of our conceptual framework – Professionalism in the Service of Social Justice. The question posed in this course then is, What does social justice look like when addressing issues associated with the education of students with disabilities and their families?

Text/Resources

Weber, M., Mawdsley, R., & Redfield, S. (2010). *Special Education Law: Cases and Materials*, 3rd Ed. Newark, NJ: LexisNexis.

Wright, P., & and Wright, P. (2007). *Special Education Law*, 2nd Ed, Print and E-Book Combination. Harbor House Law Press.

Council for Exceptional Children – Public Policy and Legislative Information

<http://www.cec.sped.org/pp/>

Individuals with Disabilities Education Act (IDEIA).

<http://IDEA.ed.gov/>

This site references the IDEIA '97 rules that are often used as a basis for understanding IDEIA 2004

<http://www.ed.gov/offices/OSERS/Policy/IDEA/regs.html>

This site highlights the differences between IDEA 97 and IDEIA 2004

<http://www.wrightslaw.com/idea/idea.2004.all.pdf>

This is a 56 page PDF file that you need to print if you want to have it because the book is out of print.

Most recent Illinois rule changes (effective 7/1/2005) summarized

http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.dsp_content&contentID=4117

Advocacy, Parents' Rights and Selected legal Cases

<http://www.wrightslaw.com>

Americans with Disabilities Act (this is a full text site)

<http://www.usdoj.gov/crt/ada/statute.html>

The Rehabilitation Act of 1973 (including Section 504) (this is a full text site)

<http://www.access-board.gov/enforcement/Rehab-Act-text/title5.htm>

You will need access to email and the World Wide Web for this course. Note – The course syllabus and course documents are provided through BlackBoard. It is recommended that you check Blackboard frequently for updates and information. All Loyola students are issued GroupWise IDs as part of the initial enrollment process. If you prefer to use your own internet provider, you can have GroupWise forward your email to your provider. Please be aware that all e-mail sent through the BlackBoard system will be sent to your Loyola e-mail address. It is your responsibility to read individual and all-class e-mails in a timely manner. In addition to your home computer, you may access BlackBoard from the computer labs on Loyola's various campuses.

Course Goals:

Students will understand the legislative context of statutes affecting the education of students with disabilities with in-depth knowledge of the Individuals with Disabilities Education Act, significant knowledge of Section 504 of the Rehabilitation Act of 1973 and an awareness of the provisions of the American with Disabilities Act. (NASP/ISBE Standard 5)

Students will thoroughly understand the six major principles of IDEIA and special education law, in both statute and case law. (NASP/ISBE Standards 5 & 6)

Students will understand applicable case law, the constitutional principles upon which that case law is based, and applicability to the six major principles. (NASP/ISBE Standard 10)

Students will know how to access legal information in hard copy and from electronic resources. (NASP/ISBE Standard 10)

Students will understand the ethical standards applicable to the delivery of special education and school psychological services. (NASP/ISBE Standards 1 & 10)

Course Schedule and Readings

Date	Topic	Readings
1/20	1. Introduction-Law/Constitution Judicial System and Education	MAIN TEXT Ch 1; especially case law http://www.archives.gov/ Course documents under this topic are references for you
1/27	2. Legislative History and IDEIA How to find a case http://www.archives.gov/exhibits/charters/bill_of_rights.html	MAIN TEXT Ch 1 All Topic 2 Course Documents
2/03	3a. Zero Reject	MAIN TEXT Ch 1 pp 32-53 Topic 3 Course Documents 1-3
2/10	3b. Zero Reject In-class discussion 1	MAIN TEXT Ch 2 pp 55-100 Topic 3 Course Documents 4-6
2/17	4. Eligibility and Evaluation Paper 1 DUE (ZR) In-class discussion 2	MAIN TEXT Ch 2 pp 100-126 Topic 4 Course Documents 1-5
2/24	NO CLASS—ATTEND AN IEP MEETING (Faculty and all doctoral students who might substitute will be at NASP)	
3/03	5a. Free Appropriate Public Education (FAPE) Paper 2 DUE (EE) In-class discussion 3	MAIN TEXT Ch 4 Topic 5 Course Documents 1-3
3/10	NO CLASS SPRING BREAK	
3/17	6. Free Appropriate Public Education (FAPE) IEPs Paper 3 DUE (FAPE)	MAIN TEXT Ch 5 Topic 6 Course Document 1-2
3/24	7a. Least Restrictive/Inclusion Comprehensive Case Citations POSTED	MAIN TEXT Ch 6 Topic 7 Course Documents 1-3
3/31	7b. Least Restrictive/Inclusion In-class discussion 4 Comprehensive Case Review DUE	Topic 7 Course Documents 4-5
4/07	8a. Parental Participation Paper 4 DUE (LRE)	MAIN TEXT Ch 5 pp. 203-211 Topic 8 Course Documents 1-2 <i>From Emotions to Advocacy</i> , Sections 1, 2, and 5 (3 and 4 optional)
4/14	8b. Parental Participation In-class discussion 5 Parent Pamphlet is DUE	MAIN TEXT Ch 8 pp 331-358 Topic 8 Course Document 3-7
4/21	9. Student Discipline	MAIN TEXT Ch 9

**Paper 5 DUE (PP)
Integration Presumption Paper**

Topic 9 Course Documents 1-2

4/28

10. Procedural/Substantive Due Process
IEP PAPER DUE
In-class discussion 6

MAIN TEXT Ch 8
Topic 10 Course Documents 1-5

5/5

11. Compliance
Paper 6 DUE (DP)
Defining Case Annotation is DUE

MAIN TEXT Ch 10
Topic 11 Course Documents 1-4

Note: Additional readings may be assigned throughout the course.

Student Evaluation

Dispositions

You are expected to demonstrate professional behavior by attending class, being prompt, and being prepared to participate in all class sessions; collaborating with classmates, and generally demonstrating professional deportment throughout the course.

Course Projects

You are required to develop written products reflecting your knowledge of legal and ethical issues in educating students with disabilities. All written work is to be word processed, not typed. Specifications include: font size 12; double-spaced; and 8 1/2 x 11 paper. Student performance will be evaluated as follows:

- A = 424-450 points
- A- = 414-423 points
- B+ = 396-413 points
- B = 370-395 points
- B- = 360-369 points
- C = 312-359 points
- D = 270-311 points
- F = below 270 points

Assignments

1. Comprehensive Case Review - (75 points) Pick a case that *was not discussed at length in the text book* that was brought in **a federal appeals court** under any provision of the Individuals with Disabilities Act. You also may choose cases from the following Chapters in the textbook *that was not discussed at length and* that were not specifically assigned as readings: Residency (3), Related Services (7), Attorney's Fees in Special Education Litigation (11), Children in Private Schools (12), Early Childhood Programs (13) or Post-secondary Education (14). You can find full text of cases in the Individuals with Disabilities Education Law Reporter (a loose-leaf service on reserve in the library), on-line in Lexis-Nexis Academic [Lexis-Nexis](#) or in a general law library. When you have identified the case you intend to review, please provide the citation in the Discussion Board on Blackboard entitled "Case Review Citations" no later than one week before the paper is due. Please divide the paper by the following

subsections (A-H) as side-headers both to make sure you cover all topics and to facilitate grading.

No more than two students are allowed to review any particular case. (5-7 pp. maximum)

Your case must address the following:	Points
A. Provide the full caption/citation of the case & In what reporter series it was published	5
B. In what court(s) had it been heard? Appealed? Affirmed? Reversed?	5
C. What were the issues/questions facing the court?	10
D. What were the plaintiffs seeking?	10
E. What statutes were referred to in the case?	10
F. What were the holdings of the court?	10
G. What reasons were given?	10
H. With what parts do you agree or disagree? Explain your rationale and cite supporting case law and statute.	15

2. IDEIA's Six Principles. (20 points per paper). The Course Documents and textbook present six major principles reflecting special education law (statute and case). Write a **two-page** paper (one paragraph on p.3 is OK; a full page 3 is not) on each principle. It is strongly recommended that you draft your papers as we reach each major principle in class and bring the draft to class. The opportunity will be provided for discussion and feedback for each principle (zero reject; eligibility and evaluation; free appropriate public education; least restrictive environment; parental participation; and procedural due process.) The paper is actually due the **NEXT** class meeting after the in-class discussion.

Each paper **MUST** address the following points and *use these points as side headers*:

	Points
A. What are IDEIA's provisions regarding this principle?	4
B. What values or social policies are advanced by this principle?	4
C. What competing interests could and/or do threaten this principle?	4
D. What are the implications of this principle for the day to day practice of your profession?	8

3. Six in-class group discussions (15 points per discussion) will help students develop a clearer understand of the six principles. Groups will be cooperative and receive a group grade. Respond to the prompts by number.

4. Comparison Paper: Integration Presumption. (50 points) Read the three articles in the Topic 7 Course Documents (numbers 6-8) outlining the principal arguments advanced by the first author and the views of the respondents. Analyze these arguments with appropriate citation to law and evaluate your perception of the validity of the arguments presented. *Subdivide the paper into sections A-D below using side-headers.* (5-7 pp. maximum)

Criteria	Points
A. Outline the principal arguments with appropriate citations to law	15
B. Analyze the views of the respondents	10
C. Present a clear comparison of differences among the views presented	10
D. State your perception of the validity of the arguments presented	15

5. Parent Pamphlet: (50 points) Create a pamphlet that parents could use to inform themselves on the requirements outlined in IDEIA, ADA, and Section 504 and the similarities and differences among them. The aim is to empower parents by making information about the law accessible to them.

Criteria	Points
IDEIA, ADA and Section 504 requirements are clearly outlined in language that parents can clearly understand. No jargon or complicated legal terms are used without explanation.	10
Clear comparison of similarities among Section 504, IDEIA and ADA are presented in a concise, easily read fashion	15
Clear comparison of differences among Section 504, IDEIA, and ADA are presented in an easily read fashion.	15
Resulting pamphlet is visually appealing with some graphics/pictures that aid in the overall understanding of the concepts. The overall appearance is "friendly" and does not look overwhelming to parents.	10

However, it is highly unlikely that all of the above can be placed in a single tri-fold piece of paper. There are ways other than a trifold that can be visually appealing and easy to understand. Type point must be no smaller than 10!

6. Attend an IEP meeting of a child currently receiving special education services where the parent(s) are in attendance (35 points). Write a paper of (no more than) 5 pages addressing the degree to which the IEP meeting was conducted in compliance with Federal and State laws and regulations. *Include all subsections (A-G) as side-headers in the paper.*

Include in the paper:	Points
A. What was the purpose of the meeting?	5
B. What sections of IDEIA 2004 are applicable?	10
C. Did school district personnel follow the law correctly? If not, what errors did you observe?	10

- D. Were the parent(s) full participating members of the team? 5
- E. What was the apparent relationship between the school district personnel and the parents? 5
- F. What was the outcome of the meeting? Was it lawful? 10
- G. Was it in the best interest of the child? 5
7. Compile an **ANNOTATED LIST** for each of the **defining cases** in the assigned chapters (30 points).

For each case, provide:

- A. Complete and correct citation
- B. Brief summary of the content of the case
- C. Indicate why this is a defining case for the principle being considered.

This (and only this) assignment must be submitted in electronic format to the Digital Drop Box.

Five (5) Bonus points are available for students who develop a Homepage within BlackBoard that includes a short description of your personal professional interests AND a picture by February 1, 2011.

Due Dates

There will be group in-class discussion for each of the six principles. In order to complete this assignment, you must be in class. (See Syllabus for scheduled dates)

Each principle paper is due the class after the principle is covered in the course (See Syllabus for due dates) Some topics do not have papers. (Assignment 2 and Assignment 4)

The two major papers (Assignments 1 and 4) are due on March 31 and April 21, 2011 respectively. **Do NOT** put final papers in hard covered binders. Soft binders or folio envelopes are required to prevent pages from becoming lost.

SYLLABUS NOTES

ACADEMIC HONESTY

Academic honesty is an expression of interpersonal justice, responsibility and care, applicable to Loyola University faculty, students, and staff, which demands that the pursuit of knowledge in the university community be carried out with sincerity and integrity. The School of Education's Policy on Academic Integrity can be found at: http://www.luc.edu/education/academics_policies_integrity.shtml. For additional academic policies and procedures refer to: http://www.luc.edu/education/academics_policies_main.shtml

STUDENTS WITH DISABILITIES

Accessibility

Students who have disabilities which they believe entitle them to accommodations under the Americans with Disabilities Act should register with the Services for Students with Disabilities (SSWD) office. To request accommodations, students must schedule an appointment with an SSWD coordinator. Students should contact SSWD at least four weeks before their first semester or term at Loyola. Returning students should schedule an appointment within the first two weeks of the semester or term. The University policy on accommodations and participation in courses is available at: <http://www.luc.edu/sswd>.

HARASSMENT (Bias Reporting)

It is unacceptable and a violation of university policy to harass, discriminate against or abuse any person because of his or her race, color, national origin, gender, sexual orientation, disability, religion, age or any other characteristic protected by applicable law. Such behavior threatens to destroy the environment of tolerance and mutual respect that must prevail for this university to fulfill its educational and health care mission. For this reason, every incident of harassment, discrimination or abuse undermines the aspirations and attacks the ideals of our community. The university qualifies these incidents as incidents of bias.

In order to uphold our mission of being Chicago's Jesuit Catholic University-- a diverse community seeking God in all things and working to expand knowledge in the service of humanity through learning, justice and faith, any incident(s) of bias must be reported and appropriately addressed. Therefore, the Bias Response (BR) Team was created to assist members of the Loyola University Chicago community in bringing incidents of bias to the attention of the university. If you believe you are subject to such bias, you should notify the Bias Response Team at this link: <http://webapps.luc.edu/biasreporting/>

TECHNOLOGY

While there is no specific technology instructional component in this course, a moderate level of technological competence is utilized. All students must learn to use on-line legal resources, access legal cases on-line and organized large amounts of information into coherent products using a variety of computer software programs including word processing, spreadsheets, and visual mapping. Students are encouraged but not required to develop Homepages within BlackBoard.

DIVERSITY

It is important to recognize that everything we do as professionals interacts with the diversity of the children and adults served. This is true for all forms of diversity including race, ethnicity, gender, disability, socioeconomic status, and sexual orientation. This course addresses diversity first by attempting to provide sensitivity to which special education law operates differently for families with limited educational and economic resources compared to parents who have adequate social capital. Students should reflect on the ways in which a lack of respect for diverse populations creep into the decision making process for students. In order to pursue social justice, professionals need to advocate for the best interest of ALL children, not just those who have knowledgeable parents who are able to assert their rights on behalf of their child. In other words, you are upholding social justice when services to children depend upon what the child needs, not who the child is.

Legal Issues: Education Students with Disabilities
CIEP 410
Evaluation Criteria

Name _____

Comprehensive Case Review – 75 points

See assignment for point values

In-class Group Discussions – 90 points (15 points each)

Zero Reject _____
Eligibility and Evaluation _____
Appropriate Education _____
Least Restrictive Environment _____
Parental Participation _____
Procedural Due Process _____

Principle Papers – 120 points (20 points each)

See assignment for point values

Zero Reject _____
Eligibility and Evaluation _____
Appropriate Education _____
Least Restrictive Environment _____
Parental Participation _____
Procedural Due Process _____

Comparison paper – 50 points

Main argument _____
Respondents _____
Comparison _____
Validity _____

Parent Pamphlet – 50 points

Requirements _____
Similarities _____
Differences _____
Aesthetics _____

IEP Meeting -- 35 points

See assignment for point values

Case Annotation – 30 points

See description for requirements. Points will be awarded on overall clarity and thoroughness.

Total Points _____/450

Grade _____