

Loyola University Chicago
Legal Issues: Educating Exceptional Children
CIEP 410 – Spring 2020

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Classroom: Corboy Law Center Room 302
Class time: Tuesday, 7:00-9:30PM
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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.

The purpose of this course is to provide graduate students with both theoretical knowledge and practical strategies for adhering to law as a school psychologist. A strong understanding of legal issues in disability law is a necessary foundation for promoting social justice for students who receive special education services.

Conceptual Framework

The SOE's Conceptual Framework (CF)—***Social Action through Education.***

This course is consistent with that framework in that it seeks to orient students to the ethical and legal issues surrounding application of federal and state laws governing disability law in schools. Careful attention will be given to the impact of poverty, language differences, and racial/ethnic differences have on the quality of services rendered. This is a concern grounded in a commitment to social justice.

For your reference, here is the full text of the SOE Conceptual Framework:

Our conceptual framework is described here - www.luc.edu/education/mission/

Conceptual Framework Applied to this Course: The conceptual framework of Loyola's School of Education is **Social Action through Education.** This course is consistent with that framework in that it seeks to orient students to the ethical and legal issues surrounding services provided to 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 and the educational establishment. The history of providing services to students with disabilities is mixed, and how well we do this in the U.S. should be considered within the context of our conceptual framework – Social Action through Education. The overarching question posed in this course then is, **“What does social justice *demand* when addressing issues associated with the education of students with disabilities and their families?”**

Dispositions

All courses in the SOE assess student dispositions. The SOE dispositions are as follows: ***Professionalism, Inquiry, and Social Justice.*** The specific disposition for this course are Professionalism and Social Justice, although all standards are can be found on the rubric posted in LiveText for this course. The disposition evaluated in this course is Inquiry, although all three dispositions are important to every school psychology endeavor.

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, sexual orientation, and gender identity. This course addresses diversity first by attempting to provide sensitivity to the need to understand that special education law, IDEA (2004), is applied differently for majority, middle class heterosexuals. Students should reflect on the ways in which a lack of respect for diverse populations creeps into school psychological practices. In order to pursue social justice, school psychologists constantly need to be aware of differential practices within schools that depend upon the diverse characteristics of the child and family.

Smart Evaluation

In addition to the specific goals for the course, the university-wide course assessment system requires that generic objectives be identified for each course. When you complete the online course evaluation, the following goals will be weighted more heavily in the evaluation process.

1. Gaining a basic understanding of the subject (e.g., factual knowledge, methods, principles, generalizations, theories)
2. Learning to apply course material (to improve thinking, problem solving, and decisions)
3. Developing ethical reasoning and/or ethical decision making
4. Learning to analyze and critically evaluate ideas, arguments, and points of view

Each course you take in the School of Education is evaluated through the Smart Evaluation. We ask that when you receive an email alerting you that the evaluation is available that you promptly complete it, as this feedback is important so that I can gain insight in how to improve my teaching and the department can learn how best to shape the curriculum. Toward the end of the course, students will receive an email from the Office of Institutional Effectiveness reminding you to provide feedback on the course. You will receive consistent reminders throughout the period when the evaluation is open, and the reminders will stop once you have completed the evaluation.

The evaluation is completely anonymous. When the results are released, instructors and departments will not be able to tell which student provided individual feedback. Because it is anonymous and the results are not released to faculty or departments until after grades have been submitted, the feedback will not impact a student's grade.

Text/Resources

Main Text:

Yell, Mitchell L. (2016). *The law and special education* (4th ed.). Upper Saddle River, NJ: Pearson.

Additional Reading:

Greene, Ross W. (2014). *Lost at school: Why our kids with behavioral challenges are falling through the cracks and how we can help them*. New York, NY: Schribner.

The course syllabus, course documents, and assignments are provided through SAKAI. It is recommended that you check SAKAI frequently for updates and information. All Loyola students are issued Outlook IDs as part of the initial enrollment process. If you prefer to use your own email provider, you can have Outlook forwarded to your email provider. Please be aware that all e-mail sent through the SAKAI 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 SAKAI from the computer labs on Loyola's various campuses.

Specific 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 IDEA 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 their applicability to the six major principles. (NASP/ISBE Standard 10)

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

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

Course Schedule and Readings

Be sure to complete all reading for the week BEFORE CLASS MEETS. Please note that this syllabus is subject to change. Additional readings may be assigned throughout the course.

Date	Topic	Reading	Assignment Due
January 14 (Module 1)	Introduction on Law/Constitution	Chapters 1 and 2	
January 21 (Module 2)	Legislative History/IDEA	Chapters 3 and 4 Module 2 documents	
January 28 (Module 3)	Section 504 and the Americans with Disabilities Act	Chapters 5 and 6 Module 3 documents	
February 4 (Module 4)	FAPE	Chapter 8 Module 4 documents	
February 11 (Module 5)	Identification, Assessment, and Evaluation (best practices, requirements, and disability categories)	Chapter 9 Module 5 documents	
February 18 (Module 6)	NO CLASS-NASP	Read all of <i>Lost at School</i>	
February 25 (Module 7)	Identification, Assessment, and Evaluation cont. – focus on English Learners	Module 7 documents	<i>Lost at School</i> Paper Due
March 3 (Module 8)	NO CLASS-SPRING BREAK		
March 10 (Module 9)	The Individualized Education Program (IEP)	Chapter 10 Module 9 documents	
March 17 (Module 10)	LRE	Chapter 11 Module 10 documents	
March 24 (Module 11)	Parent Participation and Procedural Safeguards	Chapter 12 Module 11 documents	Parent Pamphlet Due

March 31 (Module 12)	Student Discipline	Chapter 13 Module 12 documents	
April 7 (Module 13)	Law Applied to Special Populations (undocumented students, LGBTQ, McKinney-Vento eligible)	Module 13 documents	Comprehensive Case Review Due
April 14 (Module 14)	Additional Topics: Transition Services, Services to Students in Private Schools	Module 14 documents	
April 21 (Module 15)	Additional Topics: Bullying and Students with Disabilities, RtI, Educational Records, Liability for Student Injury	Chapter 14 Module 15 documents	Six Principles Paper Due

Student Evaluation

Dispositions

You are expected to demonstrate professional behavior by attending class, being prompt to class, responding to emails, being prepared to participate in all class sessions, collaborating with classmates, and generally demonstrating professional deportment throughout the course, including accuracy and honesty in all course work completed for class or in school placements. Responsible class participation also requires use of the internet and social media only as a tool to assist in the learning that takes place in the class. Respectful class participation also requires students to be open to the ideas and viewpoints expressed by others in the class, and to engage in a conversation that challenges those viewpoints and ideas without personal attacks or demeaning comments.

Dispositions will be assessed each semester according to the criteria available in the Student Handbook. The underlying dispositions in all programs include: *Professionalism, Inquiry, and Social Justice*, and are indicators of growth for different levels in the program. In addition, professional demeanor, suitability for practice and attitude with which the candidate approaches others, learning, instruction, and the profession will be assessed with the outcome of each behavior influencing successful course completion and program continuation. Understanding of Social Justice is mainly assessed by the Six-Principles paper. All dispositions are evaluated in LiveText. The criteria for this course are found in the *School Psychology Handbook*.

Course Projects

You are required to develop written products reflecting your knowledge of legal and ethical issues in educating students with disabilities. Papers should include the following specifications: font size 12; one-inch margins; double-spaced; on 8 1/2 x 11 paper.

When you upload any assignment, name the file as follows: Your LAST name-assignmentname.doc. That way, we can tell whose paper it is without opening and renaming all the files. In addition, with electronic submission, put your name on your paper itself as you would for any assignment. Since we are reading multiples of the same assignment, putting your name on your paper and also correctly naming the file is a double check on not confusing which paper belongs to whom. This method also allows us to utilize the alphabetizing functions of SAKAI and Word. It takes you a minute to do this and it literally saves us hours. Using myself as an example, if a paper were mine it would be named Black-ComprehensiveCaseReview.docx. Your cooperation is appreciated.

Student performance will be graded as follows:

- A = 329-350 points
- A- = 315-328 points
- B+ = 305-314 points
- B = 294-304 points
- B- = 280-293 points
- C = 259-279 points
- D = 224-258 points
- F = 223 points or below

All assignments will have points reserved for “professional writing” that is defined as correct grammar, punctuation, spelling, and appropriate word choice for the context. It is important for your writing to be correct in order to be taken seriously as a professional. Additionally, proper APA style should be adhered to, however, you do not need to include a title page or abstract.

Assignments

1. Lost at School/CPS (75 points)

Lost at School Collaborative & Proactive Solutions (CPS)

In order to better understand how school disciplinary practices exacerbate the problems of certain children in schools, students will read *Lost at School* by Ross Greene. Students will write a paper as described below:

Discipline Code Paper: Students will find and review a school student code of conduct (discipline code). These documents can typically be found on school or district websites. This paper will be split into 2 parts. The first part may be up to three pages and the second part approximately one page long. The final paper should be around 4 pages in length.

Part 1: Find and review a school/district student code of conduct and compare it to the points made by Greene in *Lost at School*.

- After reviewing the code of conduct, how would you describe this school/district’s approach to discipline?
 - Describe aspects of the code of conduct that support CPS.
 - Describe aspects of the code of conduct that conflict with CPS.
- Describe how the code of conduct could be improved to align more closely with the CPS approach.
- What actionable steps could be taken to make those improvements to support student and staff needs?
- If barriers arise from differing opinions, how can they be resolved in a socially just manner?

Part 2: In the second part, please reflect upon what, if any, insights you gained that may inform future practice in interacting with parents of students with disabilities and school administrators to increase social justice for marginalized families.

Directions	Points
1a. After reviewing the code of conduct, how would you describe the orientation of this school/district’s approach to discipline?	5
1b. Describe any aspects of the code of conduct that support CPS.	10
1c. Describe aspects of the code of conduct that conflict with CPS.	10
1d. Describe any aspects that may be improved to align more closely with the CPS approach.	10
1e. What actionable steps could be taken to make those improvements to support student and staff needs?	10

1f. If barriers arise from differing opinions, how can they be resolved in a socially just manner?	10
2a. How might a CPS perspective inform one's future practice in regard to parents' rights and school discipline for students covered by IDEA.	15
Professional Writing Style (i.e., grammar, punctuation, spelling, word choice, APA style)	5

2. Parent Pamphlet/Brochure (75 points)

Create a pamphlet that parents could use to inform themselves on the requirements outlined in IDEA, ADA, and Section 504 highlighting the similarities and differences among them. The aim is to empower parents by making information about these laws accessible to them in parent-friendly language. You may create a pamphlet/brochure using a template of your choice, but it should be no more than 2 pages (a single page front and back).

Directions	Points
IDEA, 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.	25
Clear comparison of <u>similarities</u> among Section 504, IDEA and ADA are presented in a concise, easily read fashion.	15
Clear comparison of <u>differences</u> among Section 504, IDEA, 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 while maintaining correct grammar and punctuation.	20

3. Comprehensive Case Review (100 points)

Pick a case that *was not discussed at length in the textbook* that was brought in a **federal appeals court** under any provision of the **Individuals with Disabilities Education Act (IDEA)**. You can find full text of cases on-line in Lexis-Nexis Academic [Lexis-Nexis](#) or in a general law library. There are also additional electronic databases available. When you have identified the case you intend to review, please provide the full citation in the Discussion Board on SAKAI entitled "Case Review Citations" no later than two weeks 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. This paper should be 6-8 pages in length.

No more than **four students** are allowed to review any particular case.

Comprehensive Case Review

	Exceeds Standard	Meets Standard	Partially Meets Standard	Does Not Meet Standard	Total Points
Caption Citation (A)	Caption citation is correct and complete, and is error-free.	Caption citation is correct and complete with one error.	Caption citation identifies the case but is incomplete or has two or more errors.	Citation missing, incorrect, or does not identify the case.	5

Case History (B)	Case history completely and correctly identifies rulings and courts/hearing officer decision. Identification is concise and articulate.	Case history completely and correctly identifies rulings and courts/hearing officer decision.	Case history correctly identifies either rulings OR courts/hearing officer but does not identify both.	Fails to trace history of the case.	15
Identification of Issues (C)	Correctly identifies all issues within the case. Concise and articulate reasoning is included in identification.	Correctly identifies all issues within the case.	Correctly identifies some issues in the case.	Issues are missing or incorrectly identified.	10
Identification of Plaintiff(s)/Appellant(s) (D)	Clearly and concisely identifies which party is the plaintiff/appellant at all levels of court. Correctly identifies what is being sought by each party at each level of court.	Identifies which party is the plaintiff/appellant at all levels and correctly identifies what is being sought overall.	Identifies some of what plaintiffs/appellant is seeking but not at each level or misidentifies parties.	Identifies neither plaintiff/appellant nor what is being sought.	10
Identification of Statutes (E)	Correctly identifies all parts of statutes referred to. Identification is clear and concise.	Correctly identifies all parts of statutes referred to.	Correctly identifies some parts of statutes referred to.	Correctly identifies no parts of statutes referred to or statutes are missing.	10
Identification of Holdings (F)	Correctly identifies all holdings at each level of court. Identification is clear and concise.	Correctly identifies all holdings at each level of court.	Correctly identifies some holdings at some of the levels.	Does not correctly identify all holdings at each level.	10
Identification of Reason(s) Given by the Court (G)	Correctly identifies all reasons given by	Correctly identifies all reasons given by	Correctly identifies some reasons given	Reasons are missing or incorrect.	

	the court at each level discussed within the case. Discussion is clear and concise.	the court at each level discussed within the case.	but not for each court level.		10
Agreement/Disagreement (H)	Clearly indicates agreement or disagreement stating rationale supported by case law and/or statute. Support for statement of position is provided and clearly articulated.	Indicates agreement or disagreement stating rationale supported by case law and/or statute.	Clearly indicates agreement or disagreement but does not state rationale supported by case law and/or statute.	Agreement or disagreement is not clear; no rationale given; no case law or statutes	15
Inclusion of Case	A full copy of the case is uploaded to Sakai.			A full copy of the case is not uploaded to Sakai	5
Professional Writing	Writing is professional in tone and completely free from errors in grammar, punctuation, and spelling with no prepositional errors. Paper demonstrates correct use of APA style.	Writing is professional in tone. Writing contains one to two errors in grammar, punctuation, spelling, and/or prepositional errors. Paper demonstrates correct use of APA style.	Writing demonstrates professionalism but requires improvement. Writing contains three to four errors in grammar, punctuation, spelling, and/or prepositional errors. Paper does not demonstrate correct use of APA style.	Writing is not professional in tone. Writing demonstrates poor word choice. Writing contains five or more errors in grammar, punctuation, and/or spelling.	10

4. Six Principles Paper (100 points)

Write a five to six-page paper explaining how the six principles embodied in IDEA advance (or fail to advance) social justice for all groups of children with disabilities and their parents with appropriate references to sections of the law. Compare and contrast how the principles function for parents of different racial, ethnic, and socio-economic status groups. Writing style will be evaluated for tone, grammar, spelling, and punctuation. THIS IS BOTH A NASP PORTFOLIO REQUIREMENT AND A COURSE REQUIREMENT.

THIS IS A NASP PORTFOLIO REQUIREMENT AND A COURSE REQUIREMENT	Exceeds Standard	Meets Standard	Partially Meets Standard	Does Not Meet Standard	Points
Defining Principles	Thoroughly and clearly explains how the Six Principles interact with different racial, SES, severity of disability, language, and cultural groups	Explains how the Six Principles interact with different groups but is not as thorough or succinct as papers that “Exceeds Standards”	Explains how some Principles affect one or two groups but is not elaborated	Does not explain how the Principles work differently for relevant groups or is incorrect in explanation	30
Advances or does not advance social justice for students	Clearly identifies Principles that function better or worse in advancing social justice for all relevant groups of students	Identifies Principles that function better or worse in advancing social justice for some groups of students	Identifies one or two Principles that interact differentially with student characteristics	Treats all Principles as equal in serving groups of students	25
Identifies which Principles are “parent friendly” or not	Clearly identifies all Principles that are more or less difficult for parents to be effective advocates for their child(ren) using relevant examples	Identifies several Principles and describes their effect on parents’ ability to be effective advocates	Identifies some Principles that can differentially affect parents’ abilities to advocate	Does not indicate how Principles affect parents’ abilities to advocate	25
Paper length and appearance	Paper is five to six pages with 1” margins and at least 12-point type	Paper is five to six pages but either margins or type size is incorrect, but not both	Paper is less than five or more than six pages but either margins or type size is incorrect, but not both	Paper is wrong length, does not have 1” margins and type that is at least 12 point	10
Paper is well-written using professional tone and is free of grammatical and spelling errors	Report is error-free. APA style is used correctly.	Report has few grammatical, spelling, writing, or citation errors.	Report has some grammatical, spelling, writing, or citation errors.	Report has several obvious grammatical, spelling, writing, and/or citation errors.	10

Additional Notes

Classroom use of laptops and personal devices: Although I believe technology is an effective tool to enhance learning, I am also aware that some technology, such as laptops and/or personal access to the internet can negatively impact learning. Laptops should be used responsibly in class. Students shall not use laptops to play games, surf the web, post/view social media, email, text message or for any other uses unrelated to class. In addition, please remember that if you use your laptop inappropriately, it may serve as a distraction to everyone around and in back of you who can easily see your screen. Similarly, please refrain from using other electronic devices in class, such as cell phones, iPods or tablets; you should ideally have these devices turned “off” and not be using any applications on these devices, including, but not limited to text messages.

If I find students abusing the privilege of using laptops or other electronic devices, I reserve the right to ban their use – either for individual students or the entire class.

Loyola University Chicago School of Education Syllabus Addendum

Smart Evaluation

Towards the end of the course, students will receive an email from the Office of Institutional Effectiveness reminding them to provide feedback on the course. They will receive consistent reminders throughout the period when the evaluation is open, and the reminders will stop once they have completed the evaluation.

- The evaluation is completely anonymous. When the results are released, instructors and departments will not be able to tell which student provided the individual feedback.
- Because it is anonymous and the results are not released to faculty or departments until after grades have been submitted, the feedback will not impact a student’s grade.

Dispositions

All students are assessed on one or more dispositional areas of growth across our programs: ***Professionalism, Inquiry, and Social Justice***. The instructor in your course will identify the dispositions assessed in this course and you can find the rubrics related to these dispositions in LiveText. *For those students in non-degree programs, the rubric for dispositions may be available through Sakai, TaskStream or another platform.* Disposition data is reviewed by program faculty on a regular basis. This allows faculty to work with students to develop throughout their program and address any issues as they arise.

LiveText

All students, *except those who are non-degree*, must have access to LiveText to complete the benchmark assessments aligned to the Conceptual Framework Standards and all other accreditation, school-wide and/or program-wide related assessments. You can access more information on LiveText here: [LiveText](#).

Syllabus Addendum Link

- www.luc.edu/education/syllabus-addendum/

Center for Student Access and Assistance (CSAA)

Should you encounter an unexpected crisis during the semester (e.g., securing food or housing, addressing mental health concerns, managing a financial crisis, and/or dealing with a family emergency, etc.), I strongly encourage you to contact the Office of the Dean of

Students by submitting a CARE Referral for yourself or a peer in need of support: www.LUC.edu/csaa. If you are uncomfortable doing so on your own, please know that I can submit a referral on your behalf.

This link directs students to statements on essential policies regarding *academic honesty, accessibility, ethics line reporting* and *electronic communication policies and guidelines*. We ask that you read each policy carefully.

This link will also bring you to the full text of our conceptual framework that guides the work of the School of Education – ***Social Action through Education***.