

# **CPSE 470 - Legal Issues in Special Education**

**Summer 2015**

**Section 001: 166 MCKB on M W from 4:00 pm - 6:50 pm**

## **Instructor/TA Info**

### **Instructor Information**

**Name:** Laura Lee Gillespie

**Office Phone:** 801-664-2798

**Office Location:** MCKB

**Email:** gillespie\_L@hotmail.com

**Office Hours:** Only By Appointment


## **Course Information**

### **Description**

This course is a study of collaboration in public education and the laws influencing education of students with disabilities. This course includes issues of public education, intensive study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), the family rights, and elementary and secondary education acts. The purpose of this course is to provide students with a basic understanding of the legal issues associated with providing special education services to students with disabilities. In addition, a significant underlying purpose of the course is to foster attitudes, which facilitate the appropriate accommodation of students with disabilities and their families in school and community settings. Teacher candidates are expected to demonstrate mastery of the course objectives that are listed on Learning Suite.

### **Text and Materials**

Item	Price (new)	Price (used)
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	<b>SPECIAL EDUCATION &amp; LAW 3E <i>Required</i></b> by OSBORNE, A	41.95
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### Grading Scale

Grades	Percent
A	95%
A-	90%
B+	87%
B	83%
B-	80%
C+	77%
C	73%
C-	70%
D+	67%
D	63%
D-	60%
E	0%

### Learning Outcomes

#### P.L. 94-142/IDEA/IDEA 04

Students will describe, discuss and/or apply:

1. The six principles basic to P.L. 94-142/IDEA/IDEA 04.

#### Provision of special education services

Rules governing the provision of special education services.

#### Learning environment

Create a safe, equitable, positive and supportive learning environment in which diversities are valued.

**Sensitivity**

Demonstrate sensitivity for the culture, language, religion, gender, disability, socio-economic status, and sexual orientation of individuals.

**Assessment information**

Use assessment information in making ineligibility, program, and placement decisions for individuals with exceptional learning needs, including those from culturally and/or linguistically diverse backgrounds.

**Historical points of view**

Historical points of view and contribution of culturally diverse groups.

**Ways specific cultures are negatively stereotyped**

Ways specific cultures are negatively stereotyped.

**Legal provisions**

Legal provisions and ethical principles regarding assessment of individuals.

**Duties and responsibilities**

3. Duties and responsibilities of school personnel in relation to provision of special education services.

**Assessment information**

Use assessment information in making eligibility, program, and placement decisions for individuals.

**Communication with families from diverse backgrounds**

Communicate effectively with families of individuals with exceptional learning needs from diverse backgrounds.

**Additional Online Materials****United States Code**

<http://www.gpo.gov/fdsys/granule/USCODE-2011-title20/USCODE-2011-title20-chap33-subchapl-sec1400>

**Code of Federal Regulations**

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl)

**U.S. Department of Education - IDEA**

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

**Utah Special Education Rules**

<http://schools.utah.gov/sars/DOCS/law/utspedrules010614.aspx>

**Section 504 and the ADA**

<http://www.schools.utah.gov/equity/Civil-Rights-Information/Section-504.aspx>

<http://www.ada.gov/>

**Publication Manual of the American Psychological Association**

<http://www.apastyle.org/>

**Assignments & Grading**

Attendance	60
Pre-Assessment	20
Quizzes	150
Research Paper	150
Presentation/Handout	100
Utah Special Education Law Conference	25
Final	150
<b>Total Points</b>	<b>655</b>

**Class Set-Up**

The course content will be learned primarily through the following strategies:

Group discussions, research, written work, and presentations.

**Instructional Methods and Activities Class Time:**

Lecture	35%
Class Discussion	35%
Case studies and Simulations	20%
Student Presentations	10%
<b>Total Class Time</b>	<b>100%</b>

## **Responsibilities**

### **Teacher Candidates Will:**

1. Adhere to BYU honor and dress codes.
2. Be prepared for each class by completing assignments, and readings.  
Readings should be completed prior to the class session.
3. Be prepared to come to class and discuss materials. Actively participate in class discussions.
4. Attend all class sessions.
5. Complete and submit assignments on time. Research papers are expected to be professional and written in American Psychological Association (APA) style. No late assignments are accepted, except in rare extenuating circumstances such as extreme illness or family death. These will be address on an individual basis. Please contact me directly with concerns.
6. Maintain electronic etiquette during class time. Computers should be used to enhance your learning in note taking, scheduling and reviewing legal issues. Texting, personal email and social media during class is inappropriate.

### **Professor Will:**

1. Come to class prepared.
2. Teach using effective instruction techniques based on research literature.
3. Meet with students when appointments are scheduled.
4. Provide insight on current trends in special education, and other disability related law.
5. Conduct herself in accordance with the standards of professionalism.

## **Assignment Details**

### **1. Attendance/Participation 60 Points**

You are expected to attend all class sessions and participate in class discussions and activities. Tardiness or leaving early may lead to grade reductions. Excused absences will be reduced to 3 points out of 5.

### **2. Pre-Assessment 20 Points**

This will be completed the first day of class. Full points will be given to teacher candidates that do there best to answer the questions. The objective to this activity is to understand what you may already know.

### **3. Quizzes 150 Points**

Quizzes will open on Learning Suite following each Wednesday class session and will close before class each Monday. Quizzes are focused on readings and class discussions. The purpose is to give you opportunities to show your thinking and understanding as you learn the legal requirements of IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. Quizzes are open book and open note, they should be completed independently.

### **4. Research Paper 150 Points**

Detailed research paper on an assigned topic. This will be discussed in class with rubric and other guidelines distributed at that time.

### **5. Presentation and Handout 100 Points**

Teacher candidates will work with partner teacher candidate or on their own to do a 10 minute presentation on research paper. The presentation will be prepared as a professional development presentation for faculty and staff in the school setting. The presentation should offer an overall synthesis of your research. A handout should be developed with key points you want the audience to leave your presentation with. Handouts should not exceed 2 pages. Handout format is up to the presenter options include but are not limited to brochures, outlines, flyers....

### **6. Utah Special Education Law Conference 25 Points**

Teacher candidates will attend at least one session of the Utah Special Education Law Conference and provide a one page summary including the topic of the session, a summary of key points, and something that could be applied to their future professional career.

### **7. Final Exam 150 Points**

The final exam is individual, written, and closed book. This is a comprehensive exam covering materials from the entire course. **No early or late exams will be given.** Please refer to the BYU final exam policy <http://registrar.byu.edu/registrar/acadsched/finalExam.php>.

## **Assignments**

### **Assignment Description**

**Class 1**

Due: Monday, Jun 22 at 6:00 pm

**Pre-assessment**

Due: Monday, Jun 22 at 11:59 pm

**Class 2**

Due: Wednesday, Jun 24 at 6:00 pm

**Quiz 1**

Due: Monday, Jun 29 at 4:00 pm

History, law, regulations, and procedures

**Class 3**

Due: Monday, Jun 29 at 11:59 pm

**Class 4**

Due: Wednesday, Jul 01 at 6:00 pm

**Quiz 2**

Due: Monday, Jul 06 at 4:00 pm

FAPE, LRE, Entitlement, Child Find, Related Services, Assistive Technology,  
Transition

**Class 5**

Due: Monday, Jul 06 at 6:00 pm

**Class 6**

Due: Wednesday, Jul 08 at 6:00 pm

**Quiz 3**

Due: Monday, Jul 13 at 4:00 pm

Chapters 4&5

**Class 7**

Due: Monday, Jul 13 at 6:00 pm

**Class 8**

Due: Wednesday, Jul 15 at 11:59 pm

**Quiz 4**

Due: Monday, Jul 20 at 4:00 pm

Ch. 5&6

**Class 9**

Due: Monday, Jul 20 at 6:00 pm

**Class 10**

Due: Wednesday, Jul 22 at 6:00 pm

**Quiz 5**

Due: Monday, Jul 27 at 4:00 pm

Ch. 7&8

**Class 11**

Due: Monday, Jul 27 at 6:00 pm

**Class 12**

Due: Wednesday, Jul 29 at 6:00 pm

**Presentation Handout**

Due: Wednesday, Jul 29 at 11:59 pm

**Presentation**

Due: Wednesday, Jul 29 at 11:59 pm



## Course Evaluation

Due: Monday, Aug 10 at 11:59 pm

## Research Paper

Due: Monday, Aug 10 at 11:59 pm

## Utah Special Education Law Conference Summary

Due: Monday, Aug 10 at 11:59 pm

## Final Exam

Due: Wednesday, Aug 12 at 5:00 pm

## Schedule

Date	Readings	Class	Assignments
M Jun 22 Monday	Read Syllabus	Introductions Review of Course Determining Research Paper Topic Understanding the Law	
W Jun 24 Wednesday	Chapter 1 (Pages 1-23)	Chapter 1: Special Education Law  Devotional - Jacob Snacks - Amanda and Camille	<b>Quiz 1 Opens</b>
M Jun 29 Monday	Chapter 2 (Pages 27-55)	Devotional - Terrin Snacks - Sarah and Mary	<b>Quiz 1 Closes</b>

		Chapter 2: Rights to a Free Appropriate Public Education (FAPE)	
W Jul 01 Wednesday	Chapter 3 (Pages 65-89)	Devotional - Tommy	<b>Quiz 2 Opens</b>
		Chapter 3: Related Services, Assistive Technology, and Transition Services	
M Jul 06 Monday	Chapter 4 (Pages 95-113)	Devotional - Amanda Snacks - Tommy and Hayley	<b>Quiz 2 Closes</b>
		Chapter 4: Parent and Student Rights	
W Jul 08 Wednesday	Chapter 5 (Pages 117-144)	Devotional - Ashleigh Snacks - Chelsea	<b>Quiz 3 Opens</b>
		Chapter 5: Due Process Procedures for Evaluation, Development of IEP's and Placement	

M Jul 13 Monday	Chapter 5 & 6 (153-180)	Devotional - Chelsea Snacks - Terrin and Erica  Chapter 5: Due Process Procedures for Evaluation, Development of IEP's and Placement Chapter 6: Student Discipline	<b>Quiz 3 Closes</b>
W Jul 15 Wednesday	Chapter 6 (153-180)	Devotional - Sarah  Chapter 6: Student Discipline	<b>Quiz 4 Opens</b>
M Jul 20 Monday	Chapter 7 (185-214)	Devotional - Mary Snacks - Ashleigh and Cassidy  Chapter 7: Dispute Resolution	<b>Quiz 4 Closes</b>
W Jul 22 Wednesday	Chapter 8 (227-256)	Devotional - Hayley Snacks - Jensen  Chapter 8: Remedies for	<b>Quiz 5 Opens</b>

		Failure to Provide a FAPE	
M Jul 27 Monday	Chapter 9 (267- 290) Chapter 10 (295- 305)	Chapter 9: Section 504 and the Americans with Disabilities Act Chapter 10: Conflict Management: IDEA Compliance	<b>Quiz 5 Closes</b>
		Devotional - Cassidy Snacks Jacob and Heidi	
W Jul 29 Wednesday		Presentations	<b>Presentation Presentation Handout</b>
		Devotional - Camille Snacks - Kamilla and Heidi	
M Aug 03 Monday		No class	
W Aug 05 Wednesday		Utah Institute on Special Education Law Ogden Eccles Conference Center 2415 Washington Blvd.	

		Ogden, Utah 84401	
Th Aug 06 Thursday		Utah Institute on Special Education Law Ogden Eccles Conference Center 2415 Washington Blvd. Ogden, Utah 84401	
M Aug 10 Monday		Final Exam Review	<b>Course Evaluation Research Paper Utah Special Education Law Conference Summary</b>
T Aug 11 Tuesday	<b>Exam Preparation Day</b>		
W Aug 12 Wednesday		Final Exam: 166 MCKB 5:00pm - 6:50pm	

## University Policies

### Honor Code

In keeping with the principles of the BYU Honor Code, students are expected to be honest in all of their academic work. Academic honesty means, most fundamentally, that any work you present as your own must in fact be your own work and not that of another. Violations of this principle may result in a failing grade in the course and additional disciplinary action by the university. Students are also expected to adhere to the Dress and Grooming Standards. Adherence demonstrates respect for yourself and others and ensures an effective learning and working environment. It is the university's expectation, and every

instructor's expectation in class, that each student will abide by all Honor Code standards. Please call the Honor Code Office at 422-2847 if you have questions about those standards.

### **Sexual Harassment**

Title IX of the Education Amendments of 1972 prohibits sex discrimination against any participant in an educational program or activity that receives federal funds. The act is intended to eliminate sex discrimination in education and pertains to admissions, academic and athletic programs, and university-sponsored activities. Title IX also prohibits sexual harassment of students by university employees, other students, and visitors to campus. If you encounter sexual harassment or gender-based discrimination, please talk to your professor or contact one of the following: the Title IX Coordinator at 801-422-2130; the Honor Code Office at 801-422-2847; the Equal Employment Office at 801-422-5895; or Ethics Point at <http://www.ethicspoint.com>, or 1-888-238-1062 (24-hours).

### **Student Disability**

Brigham Young University is committed to providing a working and learning atmosphere that reasonably accommodates qualified persons with disabilities. If you have any disability which may impair your ability to complete this course successfully, please contact the University Accessibility Center (UAC), 2170 WSC or 422-2767. Reasonable academic accommodations are reviewed for all students who have qualified, documented disabilities. The UAC can also assess students for learning, attention, and emotional concerns. Services are coordinated with the student and instructor by the UAC. If you need assistance or if you feel you have been unlawfully discriminated against on the basis of disability, you may seek resolution through established grievance policy and procedures by contacting the Equal Employment Office at 422-5895, D-285 ASB.

## **CPSE 470 Legal Issues in Special Education Research Paper Guidelines and Grading Rubric**

### **Purpose:**

- Research information and to know, show, and share what you have learned regarding a specific legal requirement for special educators.
- Analyze legal actions taken against schools and synthesize your knowledge to produce positive actions to take in school settings.
- Share research-based information with other professionals.
- Synthesize the research paper for a lay audience such as administrators, special educators, general educators and school staff including paraeducators, and bus drivers, and parents.

### **Assignment:**

Read through the attached list and choose one topic that appeals to you. It might be a topic that you know only a little about, or a topic that you have followed with interest.

- You or you and a partner will write a 15-page research paper on the topic.
- Cite the legal foundation for your topic.
- Cite seminal cases that are relevant to your subject.
- If it is a controversial subject (restraints, for example) state both sides of the argument.
- Draw your conclusions and support it through the research, case law, legislation and policy.
- Most importantly, give recommendations of actions to apply in the school setting.
- Use APA format and a minimum of five references.
- Summarize the paper for a lay audience, thoughtfully examining the actions, implications, and applications of the empirical research which you chose to research. You will write for an audience of readers who have little contact with the professional side of education. Paper should be 1-2 pages. Further information will be provided to guide you.

### **RESEARCH PAPER**

- Audience:** Professors, Special Education Directors, Special Educators, General Educators, Related Service Providers
- Genre:** Formal, APA 6<sup>th</sup> edition format (Refer to the APA guide from the BYU Writing Center and your APA book). The APA manual is available in the bookstore or online.
- Scope:** **The paper is limited to 15 pages**, including figures, tables, and references. Identify the guiding laws and court cases that have defined the law in your topic area. If there are multiple cases, please synthesize them.

**Procedure:** Please expect to go through the following steps in order to develop a clear, concise, and informative paper:

<b>Writing Stages for Research Paper</b>	<b>Checkpoint</b>
<b>Determine Topic/Prewriting</b>	<b>Topics determined by June 24<sup>th</sup> and submitted to professor</b>
<b>Drafting</b> Develop this statement, outline paragraphs and add 1-2 sentences telling what the paragraph will cover.	<b>June/July</b> Use resources including: <ul style="list-style-type: none"> <li>• Professor</li> <li>• Fellow Student Review</li> </ul>
<b>Review the Draft and Revise</b> Check to see if the information is complete; Is the article choppy or does it read as if one person wrote it? Have another student in the class conduct a peer review of your paper and provide feedback.	<b>July</b> Use resources including: <ul style="list-style-type: none"> <li>• Professor</li> <li>• Fellow Student Review</li> </ul>
<b>Polishing and editing</b> Editing (Is information complete?) Check the format and references.	<b>Early August</b>
<b>Presentations &amp; Lay Audience Handout</b>	<b>July 29th</b>
<b>Final Research Paper</b>	<b>You are welcome to submit anytime during the term, but no later than 7:00 pm on August 10<sup>th</sup>. Email or hardcopies are acceptable.</b>

**Format**

Analyze the cases in relation to what it means to special educators. Summarize the regulations and tell what they mean to your practices at the classroom level. Implications should emphasize the actions special educators can take to prevent similar problems, lawsuits and/or complaints from occurring in your school.

The completed paper is typed and double spaced, and follows the format outlined in the APA 6<sup>th</sup> edition manual. Cite any references in proper format. Use at least five reputable references (A good choice is a professional journal such as *Teaching Exceptional Children* but not *Good Housekeeping*, *Reader's Digest*, or *Wikipedia*).



## Research Paper Evaluation Rubric

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

CONCEPTUAL LEVEL	ACCURACY & THOROUGHNESS	WRITING
<p><b>4. EVALUATION LEVEL:</b> Ability to judge value for purpose; based on criteria and supported with reason. Student must give evidence of value judgment based on processes of comparison, discrimination, interpretation, summarization, and onclusion.</p>	<p><b>4.</b> Discussion is accurate and comprehensive; thoroughly supported (e.g. at least 5 relevant references cited in APA style).</p>	<p><b>4.</b> Clear organization structure (e.g. well organized with clear introduction, discussion, and conclusion); no more than 1 grammatical and/or spelling error.</p>
<p><b>3. ANALYSIS OR SYNTHESIS LEVEL:</b> Analysis is the ability to break down into parts, discuss interrelationships, and understand the organization as a whole; synthesis is the ability to bring parts together into a different, original, or new whole.</p>	<p><b>3.</b> Discussion is accurate and the most important relevant issues are addressed; well supported (e.g. at least 4 relevant references cited in APA style).</p>	<p><b>3.</b> Organized; few if any grammatical and/or spelling errors.</p>
<p><b>2. COMPREHENSION OR APPLICATION LEVEL;</b> Comprehension is ability to grasp meaning of material, interpreting it (paraphrasing, providing examples) or predicting outcomes; application is ability to use learned material – applying rules, methods, theories in new situations.</p>	<p><b>2.</b> Most relevant issues are addressed; information provided is generally accurate; documented (e.g. 3 relevant references cited in APA style).</p>	<p><b>2.</b> Some organization is evident; few grammatical and/or spelling errors.</p>
<p><b>1. KNOWLEDGE LEVEL:</b> Ability to recall previously learned knowledge; recall ranging from facts to whole theories (describes, defines, lists, identifies).</p>	<p><b>1.</b> Few relevant issues are addressed; a number of inaccuracies; some documentation (e.g. 1 or 2 relevant references cited in APA style).</p>	<p><b>1.</b> Poor organization; multiple grammatical and/or spelling errors.</p>
<p><b>0. SCORE A RESPONSE 0 IF:</b> Question not answered.</p>	<p><b>0.</b> Main issues related to the question are not addressed or information presented is not accurate; no documentation.</p>	<p><b>0.</b> Lacks organization</p>