



**SPECIAL EDUCATION LAW  
SPED 528.01W  
COURSE SYLLABUS: FALL 2019 ONLINE**

**INSTRUCTOR INFORMATION**

**Instructor: Dr. Beth Ashby Jones**

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Office Hours: by appointment; Please do not hesitate to contact me, preferably through e-mail, if an appointment is needed.

**COURSE INFORMATION**

**Materials – Textbooks, Readings, Supplementary Readings**

**Text:**

Yell, M. L. (2016). *The law and special education* (4<sup>th</sup> ed.). Upper Saddle River, NJ: Pearson, Prentice Hall

**Optional Supplemental Text for Research Report:**

**What Do I Do When...<sup>®</sup> The Answer Book on Special Education Law - Fifth Edition**

*By John Norlin, Esq.* (2009. Softcover. 474 pp. Product Code: 300055) LRP Publications

<http://www.shoplrp.com/product/p-300055.html>

**Helpful Websites**

*American Civil Liberties Union*

<http://aclu.org>

Circuit Court Decisions, U.S. Supreme Court Decisions, Codes and Regulations

<http://findlaw.com>

<http://megalaw.com>

<http://www.law.cornell.edu>

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Civil Rights Division, U.S. Department of Justice  
<http://www.usdoj.gov/crt>

Council for Exceptional Children  
<http://cec.sped.org>

Education Week  
<http://www.edweek.org>

Legislation, Regulations, and Policy Guidance, U.S. Department of Education  
<http://ed.gov>

National Education Association  
<http://nea.org>

Federal Government Code and Regulations Access  
<http://www.acess.gpo.gov>

### ***Supplemental Materials (as needed)***

When seeking additional information and/or a research-base for your program, it is essential that you access a variety of professional journals. Some suggestions include:

|                                       |   |
|---------------------------------------|---|
| <i>Beyond Behavior</i>                | <i>Assessment for Effective Intervention</i>          |
| <i>Teaching Exceptional Children</i>  | <i>Journal for Emotional and Behavioral Disorders</i> |
| <i>Intervention School and Clinic</i> | <i>JABA (Journal of Applied Behavioral Analysis)</i>  |
| <i>Exceptional Children</i>           | <i>Behavior Therapy</i>                               |
| <i>Behavioral Disorders</i>           | <i>Behavior Analyst</i>                               |

### **Course Description**

#### **Course Description:**

This course will provide students with a history of special education litigation and legislation. Specifically, students will gain a deep understanding of the Individuals with Disabilities Education Improvement Act, the major legislation governing the provision of special education services. Students will become familiar with federal statutes and regulations concerning assessment and evaluation procedures, due process and mediation, discipline, individual education plans (IEP's), free appropriate education (FAPE), and least restrictive environment (LRE).

**Student Learning Outcomes** (Should be measurable; observable; use action verbs)

#### **Course Objectives:**

##### **Essential Skills**

- Students' right to a free and appropriate education (FAPE)
- Responsibilities of school personnel to be in compliance with IDEA
- ARD meeting timelines and procedures
- Student discipline procedures; Manifestation Determination procedures

### **Texas Special Education Teacher Competencies**

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1. Competency 010: The special education teacher understands the philosophical, historical, and legal foundations of special education.
2. Competency 011: The special education teacher applies knowledge of professional roles and responsibilities and adheres to legal and ethical requirements of the profession.

### **Texas EC-12 Educational Diagnostician Competencies**

1. Competency 001: Knows procedures for identification of disabilities and determination of educational need.
2. Competency 002: Understand and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity.
3. Competency 008: Understand apply knowledge of the purpose, philosophy, and legal foundations of evaluation.

## **COURSE REQUIREMENTS**

### **Minimal Technical Skills Needed**

Enrolled students will need a working knowledge of how to access the course online, access materials and resources the instructor posts, recording/posting videos, and the use of Microsoft Word for submitting assignments.

### **Instructional Methods**

This course will be facilitated using D2L, the learning management system used by Texas A&M University-Commerce. The instructor has included various forms of instructional tools in the course such as recorded lectures, videos, helpful websites/resources, scholarly articles, and discussion topics.

### **Student Responsibilities or Tips for Success in the Course**

Enrolled students are responsible for logging into the course several times a week. The instructor may post announcements that need to be seen and responded to in a timely manner. Additionally, please be aware that you should be spending the equivalent to three hours a week of class time (listening to lectures/accessing class materials) on a three-hour course, with additional time being required to complete assignments.

## **GRADING**

Final grades in this course will be based on the following scale:

- A = 90%-100%
- B = 80%-89%
- C = 70%-79%
- D = 60%-69%
- F = 59% or Below

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## **ASSESSMENTS**

- **Discussions (65 points)** Students are expected to post responses to discussion questions by the assigned due dates. Correct grammar, spelling, and punctuation should be utilized in all entries—i.e. these are to be professionally completed.
- **Case Brief (25 points)** Students will use the LexisNexis database to locate one unabridged court cases involving K–12 education. This activity provides an opportunity to become familiar with how to read a legal opinion, legal case analysis, and enhance research skills. There is both a case index (p. 405) and a subject index (p. 413) in the back of your book, which you can utilize to find case suggestions for topics you are interested in (it might be helpful to use a case on the topic of your presentation).
  - A case brief template/rubric will be available on eCollege. Each case brief should be approximately 2 to 3 double spaced pages. The following information can be presented in a bulleted format: (a) case (name, year, legal citation), (b) court, (c) plaintiff/appellant, (d) defendant/respondent, (e) facts, (f) remedy sought by plaintiff, (g) appeal process, (h) issue, (i) holding of the court, (j) reasoning of the court including relevant legal authorities, and (k) dissent (if any). You should then write an opinion about the court's ruling. Do you think it was correct or incorrect? You may rely on other cases to support your opinion, journal articles, knowledge of curriculum and instruction, child development, and/or the day-to-day operations of a school. This is not intended to be a detailed research paper, rather an opportunity to practice reasoning skills. **Case briefs should be submitted to the Dropbox.**
- **Case Study (25 points)** Students will select ONE of the posted case studies to respond to. The instructor will post three case studies in DocSharing. Students will select ONE case study to analyze and answer the questions to. Students should respond to the 'Legal Issues' questions and the 'Other Issues' Questions at the end of each case study selected. **Case studies should be submitted to the Dropbox. AFTER submission of your responses to the DropBox, students will participate in a discussion thread pertinent to the case analyzed. Please adhere strictly to the dates for the discussion listed in the table below.**
- **Rti Module (25 points):** Students will work through the RTI Module and complete questions 10-14 using the template provided in DocSharing.
- **Quizzes (3 @ 20 points each)** A quiz is posted in Weeks 1, 2, and 4. Each quiz consists of 5 multiple choice or true false questions related to course readings. Quizzes are open book/open note.

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- **Legislative Research Project (50 points):** Students will research major legislation related to the provision of services for students with disabilities. Groups will:
  1. prepare a handout/handouts if more than one topic area (ONE FOR EACH TOPIC in the manner of the example posted on D2L/you can provide additional handouts if you would like, but that is not required). You will enter your choice of topics in a discussion thread in Section One. Topics will be assigned on a first come, first served bases. You will need to include an overview of your topic, **ALL** statute and regulation references that pertain to your topic, pertinent court cases (federal level in most cases), and resources for compliance on your handout.
  2. create and post 5 multiple choice or true/false questions about your topic for classmates to complete (posted to Discussion thread for Section 5)

The idea with this assignment is that, when everyone has completed it, you will have a complete resource file of all major legislation in special education that you should place in your professional files.

**Handouts must be posted to the discussion thread for the project in D2L by the assigned due date. Students will answer classmate-created questions for TWO of the submitted presentations and upload the answers to the assignment folder in D2L (worth 10 points accounted for in Discussion Points above).**

| Assignment                   | Points |
|------------------------------|--------|
| Discussion Questions         | 65     |
| Case Brief                   | 25     |
| Case Study                   | 25     |
| RTI Module                   | 25     |
| Quizzes (3 @ 20 points each) | 60     |
| Legislative Research Project | 50     |
| Total                        | 250    |

## TECHNOLOGY REQUIREMENTS

### Browser support

D2L is committed to performing key application testing when new browser versions are released. New and updated functionality is also tested against the latest version of supported browsers. However, due to the frequency of some browser releases, D2L cannot guarantee that each browser version will perform as expected. If you encounter any issues with any of the browser versions listed in the tables below, contact D2L Support, who will determine the best course of action for resolution. Reported issues are prioritized by supported browsers and then maintenance browsers.

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Supported browsers are the latest or most recent browser versions that are tested against new versions of D2L products. Customers can report problems and receive support for issues. For an optimal experience, D2L recommends using supported browsers with D2L products.

Maintenance browsers are older browser versions that are not tested extensively against new versions of D2L products. Customers can still report problems and receive support for critical issues; however, D2L does not guarantee all issues will be addressed. A maintenance browser becomes officially unsupported after one year.

Note the following:

- Ensure that your browser has JavaScript and Cookies enabled.
- For desktop systems, you must have Adobe Flash Player 10.1 or greater.
- The Brightspace Support features are now optimized for production environments when using the Google Chrome browser, Apple Safari browser, Microsoft Edge browser, Microsoft Internet Explorer browser, and Mozilla Firefox browsers.

### Desktop Support

| Browser                       | Supported Browser Version(s) | Maintenance Browser Version(s) |
|-------------------------------|------------------------------|--------------------------------|
| Microsoft® Edge               | Latest                       | N/A                            |
| Microsoft® Internet Explorer® | N/A                          | 11                             |
| Mozilla® Firefox®             | Latest, ESR                  | N/A                            |
| Google® Chrome™               | Latest                       | N/A                            |
| Apple® Safari®                | Latest                       | N/A                            |

### Tablet and Mobile Support

| Device   | Operating System | Browser        | Supported Browser Version(s)                                       |
|----------|------------------|----------------|--|
| Android™ | Android 4.4+     | Chrome         | Latest   |
| Apple    | iOS®             | Safari, Chrome | The current major version of iOS (the latest minor or <b>point</b> |

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| Device  | Operating System | Browser               | Supported Browser Version(s)   |
|---------|------------------|-----------------------|--|
|         |                  |                       | release of that major version) and the previous major version of iOS (the latest minor or <b>point</b> release of that major version). For example, as of June 7, 2017, D2L supports iOS 10.3.2 and iOS 9.3.5, but not iOS 10.2.1, 9.0.2, or any other version.<br><br>Chrome: Latest version for the iOS browser. |
| Windows | Windows 10       | Edge, Chrome, Firefox | Latest of all browsers, and Firefox ESR.   |

- You will need regular access to a computer with a broadband Internet connection. The minimum computer requirements are:
  - 512 MB of RAM, 1 GB or more preferred
  - Broadband connection required courses are heavily video intensive
  - Video display capable of high-color 16-bit display 1024 x 768 or higher resolution
- You must have a:
  - Sound card, which is usually integrated into your desktop or laptop computer
  - Speakers or headphones.
  - \*For courses utilizing video-conferencing tools and/or an online proctoring solution, a webcam and microphone are required.
- Both versions of Java (32 bit and 64 bit) must be installed and up to date on your machine. At a minimum Java 7, update 51, is required to support the learning management system. The most current version of Java can be downloaded at: [JAVA web site http://www.java.com/en/download/manual.jsp](http://www.java.com/en/download/manual.jsp)
- Current anti-virus software must be installed and kept up to date.

Running the browser check will ensure your internet browser is supported.

Pop-ups are allowed.

JavaScript is enabled.

Cookies are enabled.

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- You will need some additional free software (plug-ins) for enhanced web browsing. Ensure that you download the free versions of the following software:
  - [Adobe Reader](https://get.adobe.com/reader/) <https://get.adobe.com/reader/>
  - [Adobe Flash Player](https://get.adobe.com/flashplayer/) (version 17 or later) <https://get.adobe.com/flashplayer/>
  - [Adobe Shockwave Player](https://get.adobe.com/shockwave/) <https://get.adobe.com/shockwave/>
  - [Apple Quick Time](http://www.apple.com/quicktime/download/) <http://www.apple.com/quicktime/download/>
- At a minimum, you must have Microsoft Office 2013, 2010, 2007 or Open Office. Microsoft Office is the standard office productivity software utilized by faculty, students, and staff. Microsoft Word is the standard word processing software, Microsoft Excel is the standard spreadsheet software, and Microsoft PowerPoint is the standard presentation software. Copying and pasting, along with attaching/uploading documents for assignment submission, will also be required. If you do not have Microsoft Office, you can check with the bookstore to see if they have any student copies.

## ACCESS AND NAVIGATION

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or [helpdesk@tamuc.edu](mailto:helpdesk@tamuc.edu).

**Note:** Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

## COMMUNICATION AND SUPPORT

### Brightspace Support

#### Need Help?

#### Student Support

If you have any questions or are having difficulties with the course material, please contact your Instructor.

### Technical Support

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778 or click on the **Live Chat** or click on the words “[click here](#)” to submit an issue via email.



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## System Maintenance

D2L runs monthly updates during the last week of the month, usually on Wednesday. The system should remain up during this time unless otherwise specified in an announcement. You may experience minimal impacts to performance and/or look and feel of the environment.

## Interaction with Instructor Statement

### ***Contacting the Instructor***

If you have a question that you feel others in the class would benefit from the answer to, please post your question in the virtual office. For all other inquiries, email is my preferred method of communication. Please give me 48 hours to respond to your emails before resending. In addition, please be aware that I will not respond to emails on Saturday or Sunday, and emails received on Friday could potentially be responded to the following Monday.

## COURSE AND UNIVERSITY PROCEDURES/POLICIES

### **Course Specific Procedures/Policies**

- All assignments/discussions must be turned in on the assigned due date. ***Unexcused assignments turned in after the due date will be returned ungraded.***
  - **A note about timeliness:** it is highly advised that you **DO NOT** wait until the deadline for turning in an assignment. I have set the deadlines for assignments to be Sunday nights, in order to give you the weekends for completion. However, this does not mean you can email me over the weekend with questions---it is my weekend with my family, too. Also, if you wait until 11:00 pm on Sunday to turn in an assignment due at midnight and the electricity goes out, you have missed the deadline and will **NOT** get credit for the assignment. you need to plan ahead for questions/completion of assignments.
- Ensure that the assignment guidelines presented in the syllabus are followed. It is important that all assignments are organized according to headings and subheadings delineated in the guidelines. ***Failure to do so will result in an ungraded assignment or a lower evaluation.***
- **Please always submit your assignments in a word document, so that I can use track changes to provide comments if so needed. In other words, don't submit a whole assignment in the D2L by simply cutting and pasting. Always attach your assignments as their own file.**
- **Written Assignments.** Written assignments **MUST** be typed using double spaced lines, include your name, and have page numbers. In addition, work submitted should reflect a professional quality in terms of scope, depth, writing mechanics, and appearance that would be expected of students at a prestigious university. Proofread all assignments as only materials with minimal or no errors will receive high scores.

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- **Person First Language:** Our language is a reflection of our attitudes. Always refer to persons with disabilities with respect. ***Degrading terminology will not be tolerated.*** In this class we will strive to use “people first” language at all times. “People First” language always refers to the person first and not as a label or a category. For example, refer to “a student with autism” and not “an autistic” or “students with disabilities” and not “disabled students”. In addition, avoid such stigmatizing terminology as “confined to a wheelchair” (say “uses a wheelchair” instead.).
- *If you have suggestions, comments, questions, or concerns about the class or the assignments, please call or see the instructor. Please do not save your suggestions for the evaluation at the end of the term when it is too late to implement your suggestions.*

**A Note About the Virtual Office:** The Virtual Office is a public forum. If you need to contact me about something of a personal nature, feel free to e-mail me. Also, please note that I do not receive an alert when something is posted in the virtual office, so if you need immediate assistance, it might be better to email me directly.

**Three Before Me Rule:** The 3 before me rule simply means, before you e-mail me with a question, (when is an assignment due, how do I turn it in, how many points is it worth, etc.), you are to attempt 3 times to answer your question. What are some suggested ways you can do this? You could: read your syllabus, review Virtual Office to see if someone else has asked this question, post a question for your peers in the Virtual Office, or contact other members of your class.

**As a student enrolled at Texas A&M University-Commerce, you have access to an email account via MyLeo. ALL class emails from your instructor WILL GO TO YOUR MyLeo ACCOUNT. Please be sure to check this email account frequently and regularly.**

### **Syllabus Change Policy**

The syllabus is a guide. Circumstances and events, such as student progress, may make it necessary for the instructor to modify the syllabus during the semester. Any changes made to the syllabus will be announced in advance.

### **University Specific Procedures**

#### **Student Conduct**

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. The Code of Student Conduct is described in detail in the [Student Guidebook](http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx).  
<http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx>

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Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: [Netiquette](http://www.albion.com/netiquette/corerules.html)  
<http://www.albion.com/netiquette/corerules.html>

### **TAMUC Attendance**

For more information about the attendance policy please visit the [Attendance](#) webpage and [Procedure 13.99.99.R0.01](#).

<http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/academic/13.99.99.R0.01.pdf>

### **Academic Integrity**

Students at Texas A&M University-Commerce are expected to maintain high standards of integrity and honesty in all of their scholastic work. For more details and the definition of academic dishonesty see the following procedures:

[Undergraduate Academic Dishonesty 13.99.99.R0.03](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/undergraduates/13.99.99.R0.03UndergraduateAcademicDishonesty.pdf>

[Graduate Student Academic Dishonesty 13.99.99.R0.10](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10GraduateStudentAcademicDishonesty.pdf>

### **ADA Statement**

#### **Students with Disabilities**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

#### **Office of Student Disability Resources and Services**

Texas A&M University-Commerce

Gee Library- Room 162

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

Email: [studentdisabilityservices@tamuc.edu](mailto:studentdisabilityservices@tamuc.edu)

Website: [Office of Student Disability Resources and Services](#)

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<http://www.tamuc.edu/campusLife/campusServices/studentDisabilityResourcesAndServices/>

### **Nondiscrimination Notice**

Texas A&M University-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

### **Campus Concealed Carry Statement**

Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations.

For a list of locations, please refer to the [Carrying Concealed Handguns On Campus](#) document and/or consult your event organizer.

Web url:

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>

Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

## **COURSE OUTLINE / CALENDAR**

(following page)

### **Tentative Course Schedule**

| Section and Weeks | Topics                                    | Assignments and Due Date          |
|-------------------|---|-----------------------------------|
| Section 1         | Introduction to the American Legal System | View Course Overview/Syllabus     |
|                   | Legal Research                            | Complete Lexis Nexis Tutorial and |

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|  |  |   |
|--|--|---|
| <p><b>Jan. 14-<br/>Feb. 1</b></p>              | <p>History of the Law and Children with Disabilities</p>   | <p>Discussion Questions <b>by 1/27/19</b></p> <p>Yell Chapters 1, 2, 3<br/>Quiz 1 <b>Available 2/1-2/3</b></p>  |
| <p>Section 2</p> <p><b>Feb. 4-Mar. 1</b></p>   | <p>IDEA and Appendix A</p> <p>Section 504</p> <p>ADA</p> <p>ESEA</p>   | <p>Listen to Special Education Hearing Officer's Lecture and Complete Related Discussion Questions <b>by 2/17/19</b></p> <p>Case Brief <b>Due 2/24/18</b></p> <p>Yell Chapters 4, 5, 6, 7, and Appendix A<br/>Quiz 2 <b>Available 3/1-3/3</b></p> |
| <p>Section 3</p> <p><b>Mar. 4-Apr. 12</b></p>  | <p>FAPE</p> <p>Identification, Assessment, Evaluation</p> <p>IEP--Refer to:<br/>Developing Educationally Meaningful &amp; Legally Sound IEPs: Measurable Annual Goals<br/>Mitchell L. Yell, Ph.D. University of South Carolina</p> <p>LRE</p> <p>Impact of the recent U.S. Supreme Court decision:<br/><b><i>Andrew F. v. Douglas County School District</i></b></p> | <p>Yell Chapters 8, 9, 10, 11</p> <p>Post Discussion Responses <b>by 3/17/18</b></p> <p>RTI Module <b>by 3/31/18</b></p>  |
| <p>Section 4</p> <p><b>Apr. 15-Apr. 26</b></p> | <p>Procedural Safeguards<br/>Disciplining Students with Disabilities</p>   | <p>Yell Chapters 12, 13</p> <p>Case Study <b>Due 4/21/19 and respond to case study discussion questions</b></p>   |

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|   |  |   |
|---|--|---|
|   |  | <p>Quiz 3 Available<br/> <b>4/26/19-4/28/19</b></p>   |
| <p>Section 5<br/> <b>Apr. 29-<br/> May 10</b></p> | <p>Additional Issues: Bullying, RTI,<br/> Student Records, and Liability<br/> for Student Injury</p> | <p>Yell Chapter 14</p> <p>Legislative<br/> Research Project<br/> Handouts/Quiz<br/> Questions--<b>Due by<br/> 5/5/19</b></p> <p>Completed<br/> Classmate<br/> Questions (for two<br/> classmate<br/> presentations-total<br/> of 10<br/> questions) <b>Due by<br/> 5/8/19</b></p> |

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