I. Course Prefix & Number: ESP 422

II. Title: Legal Aspects of Special Education

III. Course Credit Hours: 3 hours

IV. Semester: SPRING 2006

V. Instructor: Dr. John Filler

VI. Office Location: CEB 118A
   Class Location: CHE 102

VII. Office Hours: Wednesday 9:00-11:30 AM; 3:00-4:00 PM
                Thursday 3:30-4:00 PM (Other times by appointment)

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1 The Americans with Disabilities Act mandates accessibility in all aspects of the learning environment. “If you have a documented disability that may require assistance, you will need to contact the Disability Resource Center for coordination in your academic accommodations. The DRC is located in the Reynolds Student Services Complex in Room 137. The DRC phone number is 895-0866 or TDD-895-0652”.

UNLV and its College of Education demand a high level of scholarly behavior and academic honesty on the part of students. Violations by students exhibiting dishonesty while carrying out academic assignments and procedural steps for dealing with academic integrity are delineated in the handbook of Regulations Governing Probation and Suspension Within the College of Education. This publication may be found in the Curriculum Materials Library (CML-CEB 101), or the Office of the Dean of the College of Education.

It is UNLV’s policy to give students who miss class because of observance of religious holidays the opportunity to make up missed work. Students are responsible for notifying the instructor no later than the last day of registration for the semester or summer term of plans to observe the holiday.

Collection of Student Assignments for Accreditation Purposes
Assignments completed for this course may be used as evidence of candidate learning in national, regional and state accreditation reports of COE programs. Names and other identifying elements of all assignments will be removed before being included in any report. Students who do not wish their work to be used for accreditation purposes must inform the instructor in writing by the end of late registration. Your participation and cooperation in the review of COE programs is appreciated. Thank you.
VIII. Telephone: 895-1105 (Voice Mail) john.filler@ccmail.nevada.edu (email)

IX. Prerequisite(s): None

X. Course Description:

An analysis of federal, state, and local statutes, policies and titles which affect the funding and direction of special education programs particularly as related to the development and implementation of Individual Education Programs for students with disabilities.

CEC Guidelines Addressed:

• GC Standard 1.0: Foundations of Special Education
• GC Standard 3.0: Assessment, Diagnosis & Evaluation
• GC Standard 5.0: Teaching & Learning Environment
• GC Standard 6.0: Behavior & Social Interaction Skills
• GC Standard 7.0: Communication & Collaborative Partnerships
• GC Standard 8.0: Professionalism & Ethical Practices

XI. Course Objectives:

Knowledge:

1. Each candidate will demonstrate knowledge of both federal and state law regarding education of students from birth to 22 with disabilities. GC 1.K1, K5, K7; GC 3.K2
2. Each candidate will demonstrate knowledge of due process, procedural safeguards, and parental rights. GC 3.K2.
3. Each candidate will demonstrate knowledge of the range and breadth of services necessary to ensure FAPE for students with disabilities. GC 1. K6.
4. Each candidate will demonstrate an understanding of the relationship between eligibility and needs as indicated by present levels of performance contained in the IEP. GC 1. K; GC 3. K2;
5. Each candidate will demonstrate an understanding of the ways in which an IEP may reference the general education curriculum in present levels of performance, benchmarks or short-term objectives, classroom setting and related services. GC 3. K2.
6. Each candidate will demonstrate an awareness of the essential elements of a minimally effective transition plan for, first, transition from ECSE to elementary programs and, second, from secondary school to competitive and/or assisted community-based employment. GC 5. K1.
7. Each candidate will demonstrate a thorough understanding of the legal proscriptions regarding discipline including suspension and expulsion as related to students with disabilities. GC 6. K1.


Performance (Skills):

1. Each candidate will demonstrate the ability to construct conceptually sound and objectively measurable goals and objectives (benchmarks). GC 7. S2.

2. Each candidate will demonstrate the ability to use 34 CFR 300 and 34 CFR 303 to find answers to specific questions regarding the appropriateness of special education and related services. GC 1. S3; GC 5. K2, K4.

Disposition(s):

1. Each candidate will demonstrate an awareness of the legal basis for placement in the Least Restrictive Environment including a thorough understanding of the differences between “integration”, “mainstreaming”, and “inclusion”. GC 5. K2, K4; GC 4. S6; GC 7. S2.

Results:

1. Each candidate will use relevant sections of the Code of Federal Regulations to construct answers to questions regarding the appropriateness of services and educational practices for students with disabilities. GC 6. S2; GC 4. S6; GC 8. S2.

XII. Suggested Resources:

Required Text(s) & Materials:

Public Law 108-446: The Individuals with Disabilities Education Act Amendments of 2004. (Parts B through C printed, all downloaded).


Optional Text(s):


**Current and Classical Reference(s):**

Federal Register, Volume 63, Number 71, Tuesday, April 14, 1998, Pp. 18289-18296. Early Intervention Program for Infants and Toddlers with Disabilities; Final Rule.

Federal Register, Volume 58, Number 145, Friday, July 30, 1993, Pp. 40958-40989. 34 CFR Part 303, Early Intervention Program for Infants and toddlers with Disabilities; Final Rule.


Federal Register, Volume 57, Number 208, Tuesday, October 27, 1992, Pp. 48694-48704. 34 CFR Parts 300 and 301, Assistance to States for the Education of Children with Disabilities program and Preschool Grants for Children with Disabilities; Correction; Final Rule.


Public Law 105-17: The Individuals with Disabilities Education Act Amendments of 1997. (Can be down loaded from [http://thomas.loc.gov/](http://thomas.loc.gov/) )


Additional Material(s):

Internet Resources:

The Americans with Disabilities Act:
http://www.janweb.icdi.wvu.edu/kinder/

EDLAW:
http://www.access.digex.net/~edlawinc/#links

ERIC: (search engine)
http://io.syr.edu/plweb-cgi/fastweb?searchform+dbview

Federal Government Resources (SPED law):
http://www.law.vill.edu/Fed-Agency/fedwebloc.html

Federal Register (UC San Diego search engine):
http://www.gpo.ucop.edu/search/fedfld.html

Thomas: U.S. Congress on the Internet, a service of the Library of Congress:
http://thomas.loc.gov/

USDOE:
http://www.ed.gov/index.html

USDOE / OSEP:
http://www.edgov/offices/OSERS/OSEP/index.html

XIII. Course Requirements and Grading Policy:

Academic Course Requirements:

1. Examinations:

Two tests are required. One will be given at mid semester and the other at the end of the semester. Each will be taken in class and consist of 10 to 15 short-answer questions which cover material presented in class and in the assigned readings. Some of the questions will involve using regulations to answer rule specific "what if" questions. Exams must be taken at the date and time indicated. Failure to do so, without an acceptable excuse, will result in assignment of a zero score.

Administrative Course Requirements:

1. Attendance and participation in learning activities (in class and outside of class) that may include discussion role-play and simulations, individual and collaborative learning/problem solving processes.
Note: regular attendance, completion of assigned reading(s), and participation in class is expected -- after 2 absences (each half day equals one absence), 10 points will be deducted from the final grade for each absence that is unexcused.

2. This class is supported by WebCT. Each student enrolled in the class is expected to log on to WebCT and to monitor closely the class site for messages and additional assignments.

3. All assignments are due on the day indicated in the course schedule. Late or missed assignments cannot be made up and will result in a score of 0 (zero).

4. A grade of "Incomplete" will be granted only if the student has completed 75% of the course, has requested an "Incomplete" grade for reasons beyond the student’s control and then, only if the request is approved by the instructor. The student and instructor will negotiate a due date for completion of the course assignments.

5. All assignments MUST be typed and double-spaced. Work submitted should reflect graduate level expectations in terms of scope, depth, writing mechanics, appearance, and APA, Publication Manual, 5th Edition style (where appropriate).

Grading Policy:

Each test is worth 100 points. The final grade is, then, the simple arithmetic average of the points earned on the first test and the second test. Grades with associated point ranges are:

\[
\begin{align*}
\text{A} &= 95 - 100 \\
\text{A-} &= 90 - 94 \\
\text{B+} &= 87 - 89 \\
\text{B} &= 83 - 86 \\
\text{B-} &= 80 - 82 \\
\text{C+} &= 77 - 79 \\
\text{C} &= 73 - 76 \\
\text{C-} &= 70 - 72 \\
\text{D+} &= 67 - 69 \\
\text{D} &= 63 - 66 \\
\text{D-} &= 60 - 62 \\
\text{F} &= 59 \text{ and below}
\end{align*}
\]

Instructional Methods:

Material will be presented using a variety of formats, primary among them is lecture and class discussion. Other methods, including role playing, discussion groups and video presentations also will be employed to a lesser degree.

Out-of-class learning activities may include, but are not limited to the following learning activities: assigned readings; and WebCT discussions.
XIV. Course Outline:

<table>
<thead>
<tr>
<th>Session</th>
<th>Topic(s)</th>
<th>Readings / Assignments</th>
</tr>
</thead>
</table>
| 1. Jan. 17 | I. Introductions & Course Overview  
II. The Legal System | Chapter 1 in text  
(Turnbull & Turnbull, 2000) |
| 2. Jan. 24 | III. P.L. 94-142 Background  
IV. P.L. 108-446 Provisions - (Part B) | Chapter 2 in text |
| 3. Jan. 31 | V. P.L. 108-446 (Part C)  
VI. The “Law” from 1975 to Now | |
| 4. Feb. 7 | VII. P.L. 108-446- Who’s Eligible?  
VIII. Appropriate Education Defined | Chapter 4 in text |
| 5. Feb. 14 | IX. IEP v. IFSP Content  
X. Developing Goal & Objectives | Chapter 5 in text |
| 6. Feb. 21 | XI. The Least Restrictive Environment | |
| 7. Feb. 28 | XII. The Regular Education Initiative | |
| 8. March 7 | * MIDTERM EXAM | All notes and readings assigned thus far |
| 9. March 14 | SPRING BREAK | NO CLASS!! |
| 10. March 21 | XIII. LRE Arguments | |
| 10. Mar. 28 | XIV. Steps in developing Transition Plans | |
| 11. April 4 | XV. Related Services: Where, When and How | Chapter 8 in text |
| 12. April 11 | XVI. Teacher Advocacy  
XVII. Teacher/Family Partnerships | |
| 13. April 18 | XVIII. Discipline Issues  
-“Stay Put” & discipline  
- Manifestation Determination  
- Weapons & Drugs (IAP) | |
14. April 25  
XIX. Intro. to Due Process Issues  
XX. Teachers in Due Process Proceedings  

Chapter 7 in text  

15. May 2  
XXI. Policy and Politics  
Catch-up on unfinished topics  
REVIEW FOR EXAM  

Chapter 10 in text  

16. May 9  
*FINAL EXAM  
All notes & readings from midterm to now.  

• Exams must be taken at the date and time indicated. Failure to do so, without an acceptable excuse, will result in assignment of a zero score.
# RUBRIC FOR ESP 422 MIDTERM AND FINAL EXAM

<table>
<thead>
<tr>
<th>Proficiency</th>
<th>Format &amp; Organization</th>
<th>Completeness of Information</th>
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<tbody>
<tr>
<td><strong>EXCEEDS EXPECTATION</strong></td>
<td>- Consistent organization&lt;br&gt;- Consistent use of APA style&lt;br&gt;- Correct spelling and grammar&lt;br&gt;- References each answer to text, notes or outside readings</td>
<td>- Answers at least 95% of total # of questions correctly&lt;br&gt;- Uses correct citations&lt;br&gt;- Presents comprehensive perspective&lt;br&gt;- Synthesizes information and reaches conclusions&lt;br&gt;- Answers all questions</td>
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<tr>
<td></td>
<td><strong>48 – 50 POINTS</strong></td>
<td><strong>48 – 50 POINTS</strong></td>
</tr>
<tr>
<td><strong>MEETS EXPECTATION</strong></td>
<td>- Occasional lapses of clarity in organization&lt;br&gt;- One or two spelling or grammar errors&lt;br&gt;- Inconsistent correct use of references&lt;br&gt;- Covered the required points in each answer</td>
<td>- Answered fewer than 80% of the questions correctly&lt;br&gt;- At least 1/2 of the answers contain correct citations&lt;br&gt;- Uses less than 2 sources&lt;br&gt;- Answers are only partially responsive to questions</td>
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<tr>
<td></td>
<td><strong>41 – 47 POINTS</strong></td>
<td><strong>41 – 47 POINTS</strong></td>
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<tr>
<td><strong>BELOW EXPECTATION</strong></td>
<td>- Disorganized and difficult to follow&lt;br&gt;- Minimal use of APA style&lt;br&gt;- Many spelling errors&lt;br&gt;- No references or incorrect references&lt;br&gt;- Did not answer all questions</td>
<td>- Answered fewer than 80% of questions correctly&lt;br&gt;- No reference to text or law&lt;br&gt;- No synthesis of information from different sources&lt;br&gt;- Numerous incomplete answers</td>
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<tr>
<td></td>
<td><strong>&lt; 41 POINTS</strong></td>
<td><strong>&lt; 41 POINTS</strong></td>
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