University of Utah
Department of Special Education
Special Education 5040/6040-001
Legal and Policy Foundations of Special Education
Spring 2019

Instructor: Maggie Crockett, PhD
Email: margret.crockett@utah.edu
Office: SAEC 2263, phone: (801) 581-3680 or (801) 581-8121
Office Hours: By appointment
Time: Thursdays, 4:35 pm-7:05 pm and online
Location: SAEC 3155
Credit Hours: 3

Required Readings:
Students are expected to complete readings that will be made available to the students on Canvas. It is the student’s responsibility to access the appropriate readings for each class period and have them read before class begins. Please see the course calendar for required readings. More information about these readings will be provided in class.

SPED 6040 Optional Text:
This course requires the SPED 6040 Writing Assignments to be written in accordance with the guidelines put forth by the American Psychological Association. The APA manual (6th Edition) is not required for this class but it is strongly recommended that students have access to this manual. The manual can be purchased at the University Bookstore, amazon.com, or any other online retailer.

Course Description:
Special education at the local school district level in the United States is affected significantly by the actions of federal and state government. The content of this course explores the extent of legislative, executive, and judicial action in the field of special education at all levels of government: federal, state, and local, with special attention paid to the federal level. The course also introduces students to the reasons behind the statutes and regulations that must be implemented in the schools. The aim is to produce knowledgeable educators who are not intimidated by the legal or political system in which they operate, who understand both their legal rights and responsibilities as professionals, and who are in a position to advocate effectively for students with disabilities.

Course Objectives:
Course objectives will be met through a combination of lecture, class discussions, small group discussions, and assignments. Students successfully completing SPED 5040/6040 will be able to:

1) Describe the roots of special education law, the various “source of law” that frame and constrain the actions of special educators in the classroom, and basic special education funding mechanisms;
2) Describe the primary purposes and provisions of federal statutes that affect special education: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the Family Educational Rights and Privacy Act (FERPA), and the Americans with Disabilities Act (ADA);
3) Describe the disabilities that create eligibility under IDEA, Section 504, and ADA
4) Describe the role of the executive branch of state and federal government in writing special education regulations and differentiate that role from the role of the legislative branch;
5) Describe the role of the federal courts in interpreting the rights of students receiving special education;
6) Define and describe the disabilities that create eligibility under IDEA, Section 504 of the Rehabilitation Act, and the ADA;
7) Differentiate the preschool programs under Part B of IDEA from the early intervention (infant/toddler) programs of Part C of IDEA;
8) Describe the concept of equal protection of the laws and the separate and distinct concept of due process of law as reflected in federal disability statutes;
9) Describe and analyze the implications of the IEP requirements under IDEA;
10) Describe the role of parents in the delivery of FAPE and describe the due process safeguards extended to them under IDEA;
11) Describe, analyze, and compare key IDEA-B and Section 504 provisions on evaluation, FAPE, LRE, due process protections, discipline, etc.;
12) Analyze current judicial interpretations of the right to a free appropriate public education (FAPE) in the least restrictive environment (LRE) with an IEP, and the right to due process of law for students in special education;
13) Analyze current judicial and administrative interpretations of the discipline standards that apply to students in special education;
14) Describe and critique the basic procedures governing the conduct of mediation and due process hearings brought under IDEA-B;
15) Describe other methods of resolving conflicts about the needs and rights of students with disabilities (e.g., principled negotiation, resolution sessions, state complain investigations, litigation);
16) Describe special education funding mechanisms and special education funding issues that have been litigated in the courts;
17) Describe the remedies available for violations of special education law;
18) Describe the legal rights and professional responsibilities of special educators.

Course Requirements:
1. **In-Class Participation (50 points total: 5 at 10 points each):** Attendance, being prepared by completing the readings listed on the syllabus prior to class, and participation in all in-class activities are very important for you to benefit from this class. Interactions and small group activities depend upon you being thoroughly familiar with the readings and previous class material. **Students who are absent, leave early, or who do not participate in the class will receive no participation points for that class session, and there will not be opportunities to make-up missed in-class participation points.** If you miss a class it is your responsibility to obtain all notes, handouts, and assignments missed.
2. **Online Activities and Participation (60 points total: 6 at 10 points each):** Participation in the online class setting is also very important to mastering the course content. Students are required to complete the assigned readings and are expected to participate in 6 online activities over the course of the semester. More information on the requirements for these assignments will be provided on the first night of class and online.
3. **Reading responses (50 points total: 5 at 10 points each):** Students will be expected to complete five (5) online reading reflections over the course of the semester. These reflections must be completed by the day prior to class meetings. More information will be provided in class.
4. **Midterm Examination (100 points):** Essay, true-false, multiple choice, fill-in-the-blank questions will be based on class discussions and assigned readings.
5. **Final Examination (150 points):** Essay, true-false, multiple choice, fill-in-the-blank questions will be based on class discussions and assigned readings.

**SPED 6040 Students:**
**Writing Assignments (100 points total: 4 at 25 points each):** Students enrolled in SPED 6040 will be expected to complete 4 written assignments over the course of the semester. Each writing assignment is on a separate topic that will have been covered previously in class. More information about these assignments will be provided in class.

<table>
<thead>
<tr>
<th>SPED 5040</th>
<th>SPED 6040</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Class Participation</td>
<td>50 points</td>
</tr>
<tr>
<td>Online Activities and Participation</td>
<td>60 points</td>
</tr>
<tr>
<td>Reading responses</td>
<td>50 points</td>
</tr>
<tr>
<td>Midterm</td>
<td>100 points</td>
</tr>
<tr>
<td>Final</td>
<td>150 points</td>
</tr>
<tr>
<td>Total</td>
<td>410 points</td>
</tr>
<tr>
<td>Total</td>
<td>510 points</td>
</tr>
</tbody>
</table>

**Grades:**
Grades will be assigned based on the percentage of points earned by the student based on the following distribution:

- A= 95-100%
- B+=87-89%
- B+=77-79%
- B+=67-69%
- E=under 59%
- A+=90-94%
- B=83-86%
- C=73-76%
- D=63-66%
- B=80-82%
- C=70-72%
- D=60-62%

**Policy on Late Work**
Students are expected to submit assignments on the assigned date. If a student is aware of a calendar conflict, he or she must make PRIOR arrangements with the instructor. Late submissions without prior arrangements with the instructor will result in a **10% drop in points PER DAY. NO ASSIGNMENT WILL BE ACCEPTED AFTER SEVEN CALENDAR DAYS FROM ITS DUE DATE.** There are no extra credit options for this course.
“Person-first” Language
Students are expected to use appropriate language in online discussions and other written work. People with disabilities are just that: people who happen to have physical, sensory, behavioral, or intellectual disabilities. Please avoid phrases like “the handicapped,” “ED kids,” “severely retarded,” “autistic student” or other statements that highlight the disability rather than the individual. Instead, speak and write in a way that puts “people first,” for example, “the student with a severe disability,” “students with behavior disorders.” This small change emphasizes the humanity and individuality of the person and clarifies that disability is only one of many characteristics (and not necessarily the most important!) that people possess.

Policy on Misrepresenting Written Work
Misrepresenting someone else’s work as your own is a violation of University policy. As per the University of Utah Student Code, plagiarism means “the intentional unacknowledged use or incorporation of any other person’s work in, or as a basis for, one’s own work offered for academic consideration or credit or for public presentation. Plagiarism includes, but is not limited to, representing as one’s own, without attribution, any other individual’s words, phrasing, ideas, sequence of ideas, information or any other mode or content of expression.” Sanctions for student plagiarism are at the discretion of the course instructor, but may result in a failing grade for the course.

Attendance and Participation
Students are expected to attend all of the class sessions. If a class session is to be missed due to a legitimate reason beyond the student’s control, students are responsible for notifying the instructor in advance by phone or by email. To maintain an atmosphere of mutual respect, students are asked to not hold conversations while other students, the instructor, or other guest presenters are speaking. Also, students are asked to refrain from engaging in distracting behaviors such as text messaging, playing online, finishing last minute assignments or assignments for other classes, sleeping, etc. Finally, students are asked to turn off all cell phones during class unless there is a compelling reason to have them on which has been discussed with the instructor prior to the beginning of class.

Accommodations for Students with Disabilities
The Americans with Disabilities Act. The University of Utah seeks to provide equal access to its programs, services, and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to the Center for Disability Services, 162 Olpin Union Building, (801) 581-5020. CDS will work with you and the instructor to make arrangements for accommodations. All written information in this course can be made available in an alternative format with prior notification to the Center for Disability Services.

Addressing Sexual Misconduct
Title IX makes it clear that violence and harassment based on sex and gender (which includes sexual orientation and gender identity/expression) is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran’s status or genetic information. If you or someone you know has been harassed or assaulted, you are encouraged to report it to the Title IX Coordinator in the Office of Equal Opportunity and Affirmative Action, 135 Park Building, 801-581-8365, or the Office of the Dean of Students, 270 Union Building, 801-581-7066. For support and confidential consultation, contact the Center for Student Wellness, 426 SSB, 801-581-7776. To report to the police, contact the Department of Public Safety, 801-585-2677(COPS).
<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
<th>Readings Due</th>
<th>Assignments Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 10</td>
<td>• Introductions</td>
<td>-None</td>
<td></td>
</tr>
</tbody>
</table>
| January 17 | • Special education in our Federal System                              | *Readings:*  
- Huefner text Chapters 1 and 2  
- US Constitution  
|            | • Sources of Special Education law                                    | **Online Activity #1:** Sources of Special Education Law (Canvas-due 1/23)                                                                                                                                  |                                                             |
|            | • History of Special Education Legislation                            | Reading Response (Canvas-due 1/23)                                                                                                                                                                           |                                                             |
| January 24 | • 14th Amendment: *Brown* and *Mills* cases                           | *Readings:*  
- *Brown v. Board of Education*  
- *Mills v. Board of Education*  
- Federal regulations 300.111, 011.131, 300.534, 300.226  
- State rules pages 21-23, 195-196  
| January 31 | • IDEA eligibility                                                    | *Readings:*  
- Huefner text Chapter 10  
- Federal regulations 300.306-300.311, 300.8, 300.25  
- State rules pages 23-55  
| February 7 | • IDEA Evaluation and Re-evaluation                                   | **Reading Response (Canvas-due 2/6)**                                                                                                                                                                        | **SPED 6054 Writing Assignment #1 (due 2/7)**               |
|            |                                                                       | **Additional Readings:**  
- Federal regulations 300.301-300.305  
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
<th>Online Activity</th>
</tr>
</thead>
</table>
| February 14 | IEPs under IDEA, IEP Team, IEP Document, Transitions, Exam review | - Huefner text Chapter 12  
- Federal regulations 300.320-300.328  
- State rules pages 57-71  
| February 21 | MIDTERM                                            |                                                                         |                       |
| February 28 | LRE and Placement Issues under IDEA                | - Huefner text Chapters 17 and 18  
- Federal regulations 300.34, 300.114-300.117, 300.145-300.148, 300.325, 300.130-300.144  
- State rules pages 72-74 and 117  
- Questions and Answers on Private Schools. Retrieved from [https://sites.ed.gov/idea/files/Private_School_Q_A_April_2011_1.pdf](https://sites.ed.gov/idea/files/Private_School_Q_A_April_2011_1.pdf) | Online Activity #3: LRE and Placement (Canvas-due 3/6) |
| March 7     | Procedural Safeguards under IDEA, Student Records and FERPA | - Huefner text Chapter 13 and 14  
- Federal regulations 300.500-300.505, 300.519-300.520  
- State rules pages 77-82  
SPED 6040 Writing Assignment #2 (due 3/7) |
| March 14    | No Class!                                          |                                                                         |                       |