

**N. J. SPECIAL EDUCATION LAW**  
**Fall 2012: Course # 15:293:610 (3 Credits)**  
**Thursdays, 4:50-7:30PM**

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**Course Description**

This course will provide a comprehensive analysis of Federal and New Jersey special education laws, including statutes, regulations and leading case law, and the relationship of these laws to the obligations and responsibilities of school districts and the rights of parents and children with disabilities. The course utilizes lecture, discussion, simulations and other experiential approaches to learning.

**Course Materials**

Text: The Law and Special Education - Yell, Mitchell L. (3<sup>rd</sup> edition 2012)

Individuals with Disabilities Education Improvement Act 2004, as amended (20 U.S.C. § 1400 et seq. (Selected provisions)

34 C.F.R. § 300 et seq (selected provisions)

N.J. Administrative Code, Title 6A (N.J.A.C. § 6A:14 et seq) (Selected provisions)

N.J. Parental Rights in Special Education (P.R.I.S.E.)

**Course Requirements**

**Readings**

You are responsible for reading all assignments listed in the syllabus. Supplemental handouts/reading materials will be available on Sakai AND/or handed out in class.

Portions of the Federal statute and the implementing regulations will be placed on Sakai for your convenience. A copy of the New Jersey implementing regulations, N.J.A.C. 6A:14-1.1 et seq., will be posted on SAKAI or can be downloaded at <http://www.nj.gov/education/specialed/reg/>. **PLEASE MAKE SURE TO BRING COPIES OF N.J. REGULATIONS TO EVERY CLASS.**

**CLASS PARTICIPATION**

Class participation is an important part of the course since you will be required not only to participate in discussions as a part of the class but will be required to participate in group assignments and discussions that take place during class. (15%)

## ASSIGNMENTS

The assignments include individual and group assignments, simulations, as well as a MID-TERM EXAMINATION and a final paper.

1) Interview. Interview a member of a Child Study Team to determine what role the member plays in the special education process including the identification, and evaluation process and the development of the IEP. Prepare a written report between 3-5 pages, doubled spaced, detailing the results of your interview. Compare and contrast the roles and responsibilities of the person interviewed with the legal mandates required under NJ and federal law. As a part of your analysis, please describe the structure, function and procedural mandates in N.J.'s regulations for the Child Study Team. Please refer to the relevant N.J. Administrative Code (Title 6A) and the N.J. Department of Education's Special Education Website - <http://www.nj.gov/education/specialed/>  
Students will be graded on 1) Comprehensiveness of interview and 2) legal authority cited and analysis (10%) **THIS ASSIGNMENT IS DUE OCTOBER 11, 2012**

2) Simulations. Three simulations will be completed as class projects in the following areas: 1) Eligibility and IEP Meeting; 2) Manifestation Determination Meeting in a Discipline case and 3) Mediation. These projects will be completed during class. Some preparation will be required outside of class. Students will be assigned to groups/teams. Each member of the group will be given an assigned role to play at least one week in advance. Students will be graded on legal issues raised/addressed; Preparation, anticipation of issues and/or legal compliance; and Oral presentation (15%).

4) Mid-Term Examination. One open-book examination will be given on **October 18, 2012**. It will include multiple choice and true/false questions and 2-3 hypothetical questions (20%).

5) Research Paper. A final paper will also be required. Topics must be submitted by **October 18, 2012** and require pre-approval. The paper must be typewritten, doubled spaced and between 15-20 pages in length. Students will be graded on 1) **Legal research (40% of grade)** originality of research topic; and use of relevant statutes/regulations, case law, and articles/periodicals/journals to support thesis; 2) **Writing substance (40% of grade)** clarity of expression, organization and analysis; and 3) **Writing Quality (20% of paper)** – use of appropriate citations, vocabulary and grammar. **FINAL PAPERS ARE DUE ON DECEMBER 13, 2012 AT THE BEGINNING OF CLASS OR ELECTRONICALLY IN PDF FORMAT.**

6) **Attendance.** Class attendance is mandatory and University guidelines will be adhered to. All assignments are due on the dates indicated unless otherwise extended.

7) **Late Assignments.** Assignments received subsequent to the due date, will be deducted **(5) five points** for each day that the assignment has not been submitted.

8. **Accommodations.** Requests for accommodations should be made as soon as practicable. Student must comply with applicable University policies. The request should be made PRIOR to the date assignments are due.

**Grades: 90-100 (A)**  
**85-89 (B+)**  
**80-84 (B)**  
**75-79 (C+)**  
**70-74 (C)**  
**<70 (F)**

**Class participation (overall participation) – 15%**

**Simulations - 15%**

**Written Interview Assignment – 10%**

**Mid-Term Exam – 20%**

**Final Paper – 40%**

**Total possible is 100%**

## CLASS ASSIGNMENTS

### WEEK 1

#### **Thursday, September 6**

Introduction to the Legal system and History of Special Education Law ;

Course expectations

Read: Yell- Chapter 1; Chapter 3 - pp 45-51

### WEEK 2

#### **Thursday, September 13**

#### **Overview of Special Education Law**

Read: Yell, Chapter - 4

- Begin reviewing IDEA, 20 U.S.C. 1401 (definitions)
- Review definitions of “child with a disability,” “free and appropriate public education,” “least restrictive environment,” “special education,” and “related services”
- Timelines handout

### WEEK 3

#### **Thursday, September 20**

#### **The Right to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)**

- Read: Yell, Chapter 8 and 11, pages 270-76 & 283-88.
- Board of Education v. Rowley, 458 U.S. 176 (1982)
- Polk v. Central Susquehanna Intermediate Unit 16, 853 F.2d 171 (3d Cir. 1988) (FAPE and related services)
- Oberti v. Board of Education, 995 F.2d 1204 (3d Cir. 1993) (LRE)
- IDEA, 20 USC 1412(a)(1), 1401(9), 1401(26), 1412(a)(5), 1415(f)(3)(E)
- 34 C.F.R. 300.17, 300.34, 300.101-300.112, 300.114 - 300.117
- N.J.A.C. 6A:14-4.1 through 4.9

### WEEK 4

#### **Thursday, September 27**

#### **Child-Find, Identification, Evaluations and Eligibility**

- Read: Yell, Chapter 9
- Read IDEA, 20 U.S.C. 1413(f), 1414(a) - (c), 1415(a) - (d)
- Read 34 C.F.R. 300.111, 300.300 - 300.311, 300.500-300.505
- Read N.J.A.C. 6A:14-2.3, 2.5, 3.1 - 3.6, 3.8, 6.1 - 6.2

## **WEEK 5**

**Thursday, October 4**

**The Individualized Education Program (IEP) and the role of the IEP Team**

Read: Yell – Chapter 10

- Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999),
- Irving Independent School District v. Tatro, 468 U.S. 883 (1984)
- IDEA, 20 U.S.C. 1401(26), 1414(d) - (f)
- 34 C.F.R. 300.34, 300.320 - 300.328
- N.J.A.C. 6A:14-3.7, 3.9
- Review sample blank IEP and other required forms from the NJ DOE website.

## **WEEK 6**

**Thursday, October 11**

**ELIGIBILITY AND IEP MEETING SIMULATION**

**\*\*\*WRITTEN INTERVIEW PAPER ASSIGNMENT DUE\*\*\***

## **WEEK 7**

**Thursday, October 18**

**Mid-term Examination**

## **WEEK 8**

**Thursday, October 25**

Remedies and Damages

- Read: Yell, Chapter 12 pages 312 to 328
- Read IDEA, 20 U.S.C. 1415(i)
- Read N.J.A.C. 6A:14-2.10
- Chambers v. Sch. Dist. of Phila. Bd. of Educ., 587 F.3d 176 (3d Cir. 2009)
- Forest Grove Sch. Dist. v. T.A., 129 S.Ct. 2484 (2009)
- Burlington School Committee v. Department of Education, 471 U.S. 359 (1985)

## **WEEK 9**

**Thursday, November 1**

**Student Discipline**

- Read: Yell, Chapter 13
- Read IDEA, 20 USC 1415(j) & (k)
- Read 34 CFR 300.530 – 300.536
- See also: N.J.A.C. 6A:14-2.8

**\*\*\*STUDENT DISCIPLINE SIMULATION\*\*\***

**WEEK 10**

**Thursday, November 8  
Meet the School Board & Parent Attorneys**

Read : Yell, Chapter 14

**WEEK 11**

**Thursday, November 15  
Section 504 and the ADA and other relevant Statutes**

- Read: Yell, Chapter 5 & 6
- Read selected ADA provisions (42 U.S.C. § 12101 - 12134)
- Read selected Section 504 provisions (29 U.S.C.S. §§ 705, 794a)
- Review ADA, Section 504, IDEIA comparison chart
- Read selected No Child Left Behind provisions (20 U.S.C. § 6319)

**WEEK 12**

**Thursday, November 22 – Thanksgiving – No Class**

**WEEK 13**

**Thursday, November 29  
Procedural Safeguards, Due Process, Mediation and Complaint Investigation**

- Yell, Chapter 12, pages 291 to 312
- Read Schaffer v. Weast, 546 U.S. 49 (2005);
- and Winkelman v. Parma, 550 U.S. 516 (2009)
- Read N.J.A.C. 6A:14-2.1 through 2.7, 2.9
- Read N.J.A.C. 6A:14-9.1 to 9.2
- N.J.S.A. 18A:46-1.1
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**\*\*\*MEDIATION SIMULATION\*\*\***

**WEEK 14**

**Thursday, December 6  
Concluding Mediation Simulation and Winding Up**

**WEEK 15**

**Thursday, December 13  
Papers Due**