

N. J. SPECIAL EDUCATION LAW
Spring 2013: Course # 15:293:610 (3 Credits)
Tuesdays, 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 and the relationship of these laws to the obligations and responsibilities of school districts in conjunction with 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. (3rd 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.)

Selected Cases

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

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

1) Interview. Interview a member of a New Jersey Child Study Team or IEP Team or school official who is knowledgeable about the special education process. Identify what role, the person plays in the special education process including identification, evaluation, development of the IEP, monitoring the educational program or discipline. 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. Include a list of questions asked as a part of the interview. As a part of your report, please describe the structure, function and procedural mandates in N.J.'s regulations for the Child Study Team and the IEP Teams. Please refer to the relevant N.J. Administrative Code (Title 6A) located on the N.J. Department of Education's Special Education Website - <http://www.nj.gov/education/specialed/> You will be graded on 1) Comprehensiveness of interview and the 2) legal authority cited (10%) **THIS ASSIGNMENT IS DUE ON FEBRUARY 26 AT THE BEGINNING OF CLASS. Please use the SAKAI dropbox.**

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 may 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 based on the material covered in class and assigned. (20%).

5) Research Paper. A final paper will also be required. Topics must be submitted in writing by March 12. The paper must be typewritten, doubled spaced and between 10-15 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 May AT THE BEGINNING OF CLASS ELECTRONICALLY IN PDF FORMAT through Sakai.**

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 - 20%

Written Interview Assignment – 10%

Mid-Term Exam – 20%

Final Paper – 35%

Total possible is 100%

COURSE LEARNING OBJECTIVES

- To understand the history and basic organizational aspects of the special education system in the U.S. as related to IDEA, Section 504, ADA, and NCLB
- To understand the major components of IDEA 2004 legislation
- To be familiar with basic regulatory requirements of IDEA
- To understand basic fiscal, personnel, and organizational management issues related to delivery of special education services
- To understand the main aspects of special education law with attention to landmark cases and guiding decisional law in the field
- To understand basic issues surrounding the intersection of IDEA, 504 and the ADA
- To understand current requirements for developing an appropriate IEP for a student with special needs
- To understand current practices and trends in inclusive education of students with special needs and ongoing issues pertaining to inclusion that the profession is addressing
- To understand concerns regarding cultural and racial sensitivity and issues of overrepresentation and discriminatory practices in special education
- To develop a multi-disciplinary, collaborative approach to addressing complex issues in special education
- To understand the roles and relationships, procedures and issues concerning the provision of appropriate special education services
- To be familiar with several current critical issues facing special education
- To have knowledge of information sources on IDEA practices, legal requirements, etc.
- To understand key elements of New Jersey Special Education law and regulations

CLASS ASSIGNMENTS

WEEK 1

Tuesday, January 22

Course expectations and the Law

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

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

Finding the Law – Where is it found?

WEEK 2

Tuesday, January 29

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

Tuesday, February 5

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

Tuesday, February 12

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

Tuesday, February 19

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

- Read: Yell – Chapter 10
- 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.

*******ELIGIBILITY AND IEP MEETING SIMULATIONS*******

WEEK 6

Tuesday, February 26

Procedural Safeguards, Rights of Parents/Students, and Burden of Proof in Special Education Matters

- Review – 20 U.S.C. 1415 (a)-(j)
- Review – 34 C.F.R. 300.121, 300.500-504
- Read N.J.A.C. 6A:14-2.1 through 2.5, 2.9
N.J.S.A. 18A:46-1.1

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

WEEK 7

Tuesday, March 5

**Section 504 and the ADA and other relevant Statutes
Special Issues in Special Education**

- 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 8

Tuesday, March 12

MIDTERM EXAMINATION

WEEK 9

Tuesday, March 19

SPRING BREAK

WEEK 10

Tuesday, March 26

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 11

Tuesday, April 2

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

WEEK 12

Tuesday, April 9

*****STUDENT DISCIPLINE SIMULATIONS*****

WEEK 13

Tuesday, April 16

Due Process, Mediation and Complaint Investigation

- Yell, Chapter 12, pages 291 to 312
- 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

WEEK 14

Tuesday, April 23

MEET THE ATTORNEYS

WEEK 15

Tuesday, April 30

*******MEDIATION SIMULATION*******

WEEK 16

Tuesday, May 7

Winding Up

Final Exam/Paper