

N. J. SPECIAL EDUCATION LAW
Spring 2014: 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 Portions of 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 be an active participant in group assignments and discussions. Participation in simulations will be graded separately. Your grade will be based upon your participation in discussions, preparation for class, knowledge of the material assigned and ability to respond to questions posed. **(15%)**

ASSIGNMENTS

You be graded on individual and group assignments, simulations, as well as a MID-TERM AND A FINAL WRITTEN EXAMINATION.

1) Interview Assignment. Interview a member of a New Jersey Child Study Team, 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. You **MUST** cite at least Eight (8) Federal and/or State statutes or regulations that we have reviewed and be able to compare the responses received in contrast to the provisions of the statutes/regulations. **(10%)**

THIS ASSIGNMENT IS DUE ON FEBRUARY 25, 2014 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 and anticipation of issues raised; and legal compliance**(15%)**.

4) Mid-Term Examination. One open-book examination will be given based on the assigned readings and material covered in class. **(20%)**.

5) Final Examination. A final examination will be given. The Final will cover the material that we covered over the period of the semester and will include multiple choice, true/false and short answers based upon hypothetical questions. The grade will account for 40% of your grade. **(40%)**

6) Attendance. Students are required to attend every class. Exceeding more than one absence, may result in the lowering of the student's final grade by a half letter grade (e.g., from B+ to B). Exceptions will be made for documented emergencies or illness. Every effort will be made to provide possible accommodations or arrangements.

7) Late Assignments. Assignments received subsequent to the due date, will be deducted by one grade for each day that the assignment is late.

8. Accommodations for Disabilities. Requests for accommodations should be made as soon as practicable. Students requiring accommodations will be given all necessary support and accommodations. Students should notify the instructor and coordinate with the Rutgers University Office of Disability Services.

9. Grades:

91-100 (A)

86- 90 (B+)

80- 85 (B)

76- 79 (C+)

70-75 (C)

Under 70 (F)

Class participation (overall participation) – 15%

Simulations - 15%

Written Interview Assignment – 10%

Mid-Term Exam – 20%

Final Exam– 40%

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
- 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 cultural and racial concerns and issues regarding the overrepresentation of children of color in special education
- To understand the roles and relationships, procedures and issues concerning the provision of appropriate special education services
- To become familiar with current critical issues facing special education
- To have basic knowledge of informational sources regarding IDEA practices and legal requirements
- To understand key provisions of New Jersey Special Education law and regulations

CLASS ASSIGNMENTS

WEEK 1

Tuesday, January 21
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?
Pre-test- What do you Know about Special Education? (ungraded)

WEEK 2

Tuesday, January 28
Overview of Special Education Law
Read: Yell, Chapter - 4

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

WEEK 3

Tuesday, February 4
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 11
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 18

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.

WEEK 6

Tuesday, February 25

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 4

Comparison Between IDEA vs Section 504 of the Rehabilitation Act and the Americans with Disability Act

- 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

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

WEEK 8

Tuesday, March 11

MIDTERM EXAMINATION

WEEK 9

Tuesday, March 18

SPRING BREAK

WEEK 10

Tuesday, March 25

**Roles and Responsibilities of District Board;
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 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

WEEK 12

Tuesday, April 8

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

WEEK 13

Tuesday, April 15

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 22

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

WEEK 15

Tuesday, April 29

Winding Up