

**LEAD 8410**  
**ETHICAL AND LEGAL ISSUES FOR SPECIAL POPULATIONS**  
**3 Semester Hours**  
**Dewar College of Education**  
**Department of Curriculum, Leadership, and Technology**  
**Valdosta State University**

**Conceptual Framework: Guiding Principles**

Dispositions Principle: Productive dispositions positively affect learners, professional growth, and the learning environment.

Equity Principle: All learners deserve high expectations and support.

Process Principle: Learning is a lifelong process of development and growth.

Ownership Principle: Professionals are committed to, and assume responsibility for, the future of their disciplines.

Support Principle: Successful engagement in the process of learning requires collaboration among multiple partners.

Impact Principle: Effective practice yields evidence of learning.

Technology Principle: Technology facilitates teaching, learning, community-building, and resource acquisition.

Standards Principle: Evidence-based standards systematically guide professional preparation and development.

*Positively Impacting Learning through Evidence-Based Practices*

**Required Text**

*Publication Manual of the American Psychological Association.* (5th ed.).  
Washington, DC: American Psychological Association.

Rothstein, L. F. (2000). *Special education law* (3<sup>rd</sup> ed.). New York: Longman.

Selected articles and cases on education law on CD.

**Other Resources**

Huefner, D. S (2006). *Getting comfortable with special education law: A framework for working with children with disabilities* (2<sup>nd</sup> ed.). Norwood, MA: Christopher-Gordon.

**Course Description**

An introduction to the legal aspects of the education of students with disabilities and other barriers to educational success. The course includes statutes, case law, and

administrative regulations pertaining to special populations and includes supervised performance-based field experiences.

### **College of Education Conceptual Framework Standards - (ELCC Standards)**

1. The educational leader facilitates the development, articulation, implementation, and stewardship of a vision of learning supported by the school community.
2. The educational leader advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.
3. The educational leader ensures management of the organization, operation, and resources for a safe, efficient, and effective learning environment.
4. The educational leader collaborates with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
5. The educational leader acts with integrity, fairness, and in an ethical manner.
6. The educational leader understands, responds to, and influences the larger political, social, economic, legal, and cultural context.
7. The educational leader synthesizes and applies knowledge and skills in standards 1-6 in real settings under the guidance of university supervisors and school personnel.

### **Course Objectives**

Candidates will:

1. Define legal terms as used by courts in rendering decisions. (ELCC: 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
2. Identify the sources of law which affect educational institutions and the education of students with disabilities in Georgia and the United States. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
3. Identify and describe the significance of landmark court decisions that affect the education of students with disabilities in the United States and the state of Georgia. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
4. Have a fundamental understanding of case analysis and an appreciation of the legal, ethical and policy issues related to the education of students with disabilities. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
5. Understand that law involves concepts of equity and justice for all populations with a diverse educational setting. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)

6. Interpret legal decisions as handed down by federal and Georgia courts when applied to the education of students with disabilities. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
7. Apply statutes, regulations, and court decisions to local situations involving students with disabilities. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
8. Apply knowledge of federal and state constitutional, statutory and regulatory provisions and judicial decisions governing the education of students with disabilities. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10).
9. Recognize responsibilities under special education rules and regulations (i.e., IDEA) and related regulations (e.g., § 504). (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
10. Distinguish between disciplinary options for students with disabilities and regular education students. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 8, 10)
11. Differentiate characteristics of the disability categories for which modifications in educational programming are required. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 3, 8, 10)
12. Identify appropriate modifications in educational programming to address the unique needs of students with disabilities. (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 4, 5, 6; BOR: 3, 8, 10)

## **Course Requirements/Assignments**

Class Activities

Class discussions

Briefs (completion graded)

Narrated PowerPoints Quick-Thinks (completion graded) Library activity (practice finding cases, statutes, and administrative regulations in Odum Library)

Legal Analysis Project/Legal Case Study<sup>1</sup>

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<sup>1</sup> Papers will not be accepted without paper checklist (see CD). Five points per day are deducted from late legal analysis papers, unless the student has made other arrangements with the instructor because of illness or family emergency. **Plagiarism** includes the failure to enclose quoted language from a source (case) in quotation marks. See both paper guidelines and the writing module narrated PowerPoints. Even when the plagiarism is unintentional, it is a serious matter. Students whose papers contain plagiarized material will be required to write another paper within one month of the end of the course, sign a form

Brief presentation of legal analysis project

Quizzes (legal terminology)

Examinations

### **Embedded Performance-based Skills demonstrated**

Candidates will:

1. Recount/describe an incident or situation related to the education of students with disabilities in a clear and concise manner so that a listener or reader can readily understand the events and issues (expository writing/communication skills). **PBA** (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 5, 6; BOR: 8, 10).
2. Find relevant statutory law and explain its meaning in terms accessible to educators (legal research skills, critical thinking skills, writing skills). **PBA** (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 5, 6; BOR: 8, 10).
3. Find case law relevant to the special education issue encompassed by incident or situation. (legal research skills, critical thinking skills). Case should be sufficiently similar to facts of the incident or situation to allow for a meaningful comparison. **PBA** (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 5, 6; BOR: 8, 10)
4. Analyze cases in a clear and succinct manner in such a way that they are understandable by educators (writing skills, critical thinking skills). **PBA** (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 5, 6; BOR: 8, 10)
5. Apply holdings and findings from the cases analyzed to the situation or incident to predict possible liability for the school district and/or educators involved and, if applicable to suggest ways to reduce potential liability. **PBA** (ELCC: 1, 2, 3, 4, 5, 6; PSC: 3, 5, 6; BOR: 8, 10)

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acknowledging the plagiarism, and will receive a grade one letter grade lower than they would have ordinarily received.

For assistance with legal analysis project see paper guidelines handout and narrated PowerPoint (writing module) on your CD. Conduct a legal analysis of an incident, situation, or circumstance in the school or school district involving a student with special needs. Include case analysis, reference to the appropriate statutory provision, and the potential exposure to liability. [If possible] recommend actions to reduce liability.

## Course Evaluation

Participant performance is evaluated using rubrics, artifacts, and other authentic assessment methods including:

Class participation	10% <sup>2</sup>
Mid-term examination	25%
Legal problem paper	30%
Quiz #1 (legal terms/APA)	5%
Quiz #2 (legal terms)	5%
Final examination	25%

## Attendance Policy

Graduate candidates are expected to attend all classes.

Late assignments receive only half credit. If you find you must miss class, then mail, within 24 hours of class date, any assignments due to the instructor at 4201 Thornwood Way, Valdosta, GA 31602-6723. If assignment is mailed within 24 hours, then it will receive full credit. Five points per day are deducted from late legal analysis papers, unless the candidate has made other arrangements with the instructor because of illness or family emergency.

## Policy Statement on [Intentional] Plagiarism

The full text of this policy is available in the College of Education Dean's Office, EC room 227. The following penalties will be enforced, as stated in the Policy:

- **FIRST OFFENSE:** The candidate will earn a "0" on the assignment, test, project, etc.
- **SECOND OFFENSE:** The candidate will earn the letter grade "F" for the course.
- **THIRD OFFENSE:** The candidate will earn the letter grade "F" for the course, and further action involving referral of the matter (with documentation) to the appropriate college (university) officials within the administrative structure will be taken. (Please also see page 39 of the VSU Student Handbook.)

## Special Needs Statement

Valdosta State University is an equal opportunity educational institution. It is not the intent of the institution to discriminate against any applicant for admission or any student or employee of the institution based on the sex, race, religion, color, national origin or

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<sup>2</sup> Includes completion of four case briefs, and four narrated PowerPoint Quick-Thinks (see course of study). Each assignment is worth 5 points. The remaining portion of the grade is determined by in-class participation.

handicap of the individual. It is the intent of the institution to comply with the Title VI of the Civil Rights Act of 1964 and subsequent executive orders as well as Title XI in Section 504 of the Rehabilitation Act of 1973.

Candidates requesting classroom accommodations or modifications because of a documented disability must contact the Access Office for Students with Disabilities located in Room 1115 Nevins Hall. The phone numbers are (229) 245-2498 (voice) and (229) 219-1348 (tty).

## **Instructor**

### **Topical Content** (Meets PSC, BOR, ELCC, and VSU Standards requirements)

- I. Introduction to the course
  - A. Introductions: candidates, professor
  - B. Syllabus and overview of course
  - C. Assessments, including but not limited to
    1. Case analysis (briefing cases)
    2. Terminology, with emphasis on special education legal terminology
- II. Introduction to the Law
  - A. Purpose of the law
  - B. Anglo-American jurisprudence
  - C. Sources of law-federal, Georgia, and local (constitutions, statutes, regulations, case law, executive orders, advisory opinions--hierarchy, interrelationships, who promulgates, degree of authority, constraints on, interpretation and application)
  - D. Areas/classifications of the law (difference between civil and criminal law, subcategories)
  - E. Structure of court/legal system
- III. Basic Legal Research (class conducted at Odum Library and jointly with VSU librarian)
  - A. Traditional legal research
    1. Primary and secondary sources
    2. Reporters and digests (finding case law)
    3. U.S. Code and Georgia Code (finding statutes)
    4. Code of Federal Regulations and state regulations
  - B. Online legal research (Lexis)
- IV. History of Special Education Law
  - A. Introduction (exclusion of students with disabilities from public schools, foundation cases)
  - B. Statutory Provisions (§ 504, IDEA, other relevant statutes, especially comparing IDEA and § 504)
- V. Eligibility, Identification, and Evaluation
  - A. Introduction

- B. Definitions and gaps in coverage
- C. Pre-referral
  - 1. History-Ollie Marshall case
  - 2. Purpose
  - 3. Parties who can make referrals
  - 4. SST members
  - 5. Questions addressed by SST's
  - 6. Importance
  - 7. Following SST accommodations
- D. Assessments
  - 1. Group
  - 2. Individual (Consent, payment, private)
- E. Discrimination in evaluations
  - 1. Generally
  - 2. Case Law
- F. Reevaluation
- G. Minimum competency/accountability and children with disabilities
  - 1. State and district achievement tests
  - 2. Competency based and high stakes testing
  - 3. NCLB
- H. Summary § 504 and IDEA
- VI. FAPE
  - A. *Rowley* Standard, IEP's, reevaluations
    - 1. Defining the limits of a FAPE
    - 2. Case law, including but not limited to *Rowley*
    - 3. IEP
      - a. Introduction
      - b. IEP team development
      - c. IEP contents
      - d. Appendix A guidance
      - e. Miscellaneous (methodology of instruction, liability for failure to follow, public school placement in private school)
  - B. Least Restrictive Environment
    - 1. Introduction (continuum of placement)
    - 2. Definitions and concepts (mainstreaming, integration, inclusion)
    - 3. Requirements
      - a. Statutory
      - b. Administrative regulations
        - (1) Federal
        - (2) Georgia
    - 4. Case law (legal standard for LRE)
      - a. Split in circuits
      - b. Legal standard in the Eleventh Circuit
    - 5. Factors (addressed individually)

- C. Related services
  - 1. Introduction and definitions
    - a. IDEA
    - b. 504
  - 2. Transportation (including case law and suspension from riding the bus, issue of door-to-door service)
  - 3. Psychological Services and Counseling
  - 4. Health Services
    - a. Introduction
    - b. Case law (duty to provide)
  - 5. Miscellaneous
    - a. What courts have construed as related services
    - b. Special legal issues related to the hearing impaired
- D. Residential and private school placement
  - 1. Introduction
  - 2. Least restrictive appropriate placement (relationship of state and federal law)
  - 3. Three legal standards
  - 4. Cost issues
  - 5. Placement by parents
  - 6. Private schools
    - a. Nonsectarian schools
    - b. Sectarian (religious) schools

## VII Due Process

- A. FERPA
- B. Mootness (effect on discipline, eligibility)
- C. Immunity (common law, Eleventh Amendment)
- D. Relevant statute (' 504, IDEA, ' 1983, ADA, effect of different statutes on due process)
  - 1. IDEA (introduction, cases, including but not limited to burden of proof)
  - 2. 504 (introduction, cases)

## VIII Discipline

- A. Introduction (including but not limited to removals and alternative forms of discipline, duty to provide educational services)
- B. Removals of less than 10 days
- C. Removals for more than 10 days or multiple removals
- D. Interim Alternative Placements
- E. Manifestation Determination
- F. Functional Behavioral Assessment
- G. Behavioral Intervention Plans
- H. Special topics related to discipline under § 504

## IX Remedies and attorneys fees

- A. Remedies
  - 1. Damages



2. Reimbursement, including but not limited to unilateral placement in private school
  3. Compensatory education
- B. Attorneys' fees (including but not limited to who is the prevailing party, non-attorney fees (experts)).