

EDSP 5378
Administrative and Legal Issues in Special Education
University of Texas at Tyler
School of Education

Course: EDSP 5378:060
Semester: Spring 2022
Location: Online

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Course Catalog Description:

An in-depth study of federal and state education laws, court cases, related legal issues affecting special education. Content includes legal/administrative responsibilities inherent in special education program planning and development, alternative program formats, funding sources, consultation, and communication techniques.

Student Outcomes:

Objective/Learning Outcomes	Standards: SBEC & CEC
1. The Students will understand the history of the law regarding children with disabilities	Domain IV Standard I, II ACC1K4, ED1K1, ACC5K1
2. Students will demonstrate understanding of the fundamentals of the legal system in the United States	Domain IV Standard I, II, ACC1K4
3. Students will identify major federal laws including (EHA/IDEA/IDEIA, Section 504, ADA, ESEA/ESSA)	Domain IV Standard I, II Acc1K4, ED1K1, ACC5K1
4. Students will identify case laws pertaining to special education and treatment of individuals with disabilities in the United States	Domain IV Standard I, II ACC1K4, ED1K1, ACC5K1
5. Student will demonstrate understanding of the specific rules and regulations that are applicable to special education in the state of Texas.	Domain IV Standard I, II, ACC1K4, ED1K1, ACC5K1
6. Students will demonstrate and apply professional and ethical standards for educational diagnosticians (NCED).	Domain IV Standard I, II ACC5K1, ACC5K2, ED5K3, ACC5SI, ACC5S3

Evaluation and Grading:

<u>Summary of Course Assignments:</u>	<u>Maximum Points</u>
Quizzes (online)	120
Quizzes will be scheduled for 8:00 p.m. on the following dates:	
February 1	
March 1	
March 29	
April 26	
Region 20 ESC Modules and PowerPoint	200
Scavenger Hunt – Commissioner’s Rules	25
Due Process Hearing Reviews	100
Director/Diagnostician Interview	35
Total Possible Points:	480 points

Grading is based on your accumulated score as a percent of the total cumulative score available.

The last day to withdraw from courses is Monday, March 28th.

Grading Rubric:

A (90 –100%)	B (80 – 89%)	C (70 – 79%)	D (60 – 69%)	F (less than 60%)
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Description of Grading and Evaluation

Put your name and the title of the assignment on each submission. Upload written assignments and documentation for completion of assignment on the Canvas website.

Teaching Strategies:

The following instructional strategies will be employed during this class:

- Assigned readings
- Demonstration and case studies
- Written assignments

Required Text and Related Readings: Yell, M. L. (2019). *The law in special education* (5th edition). New York, NY: Pearson.

Other readings as assigned in class.

NOTE: A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer.

Modules: The course is organized into four Modules. **The opening and closing dates for each module are provided in the class schedule.** If any module component is not completed by the deadline, the assignment will be considered late and will incur a penalty of 10 %. The instructor may grant permission to submit an assignment late if given advanced notice by a student.

- a. **Scavenger Hunt:** The Commissioner’s Rules are considered the “bible” for diagnosticians and special education directors. This side-by-side document highlights the provisions of the *Individuals with Disabilities Education Act* and applicable Texas state law. To familiarize yourself with this document, a scavenger hunt activity will be completed. The document is available at https://framework.esc18.net/Documents/Side_by_Side.pdf. **It should be printed and placed in a notebook for easy reference in this course and during your service as an educational diagnostician.**
- b. **Due Process Hearing Reviews:** This activity will familiarize you with the due process hearing in the state of Texas. Actual recent Texas special education hearings will be reviewed. The Texas Education Agency website provides links to all hearing officers decisions.
- c. **Director/Diagnostician Interview:** Students are responsible for interview a director or diagnostician regarding legal issues in special education. See **Appendix A** for further guidance.
- d. **Region 20 assignments:** Certificates earned through completion of Region 20 modules should be uploaded in Canvas under that assignment. Proficiency on the REED will be submitted under a separate assignment.

Class Schedule

Please frequently refer to your email and announcements on Canvas for any schedule changes.

Module	Date	Topic
Module 1	<p style="text-align: center;">January 9th – February 1</p> <p style="text-align: center;">Opens at 9:00 p.m., Sunday, January 9th Closes at with quiz on February 1, Tuesday, at 8:00 p.m.</p> <p style="text-align: center;">Region 20 Certificate and REED proficiency assignment submitted in Canvas by 11:59 p.m., January 30th</p>	<p>Course Introductions</p> <p>Chapter 1: Introduction to the American Legal System</p> <p>Chapter 3: The History of the Law and Children with Disabilities</p> <p>Chapter 4: The Individuals with Disabilities Education Act</p>
Module 2	<p style="text-align: center;">February 1 – March 1</p> <p style="text-align: center;">Opens at February 1, Tuesday, at 9:00 p.m Closes at with quiz on March March 1, Tuesday, at 8:00 p.m.</p> <p style="text-align: center;">Hearing reviews completed by 11:59. P.M., February 28th</p>	<p>Chapter 5: Section 504 of the Rehabilitation Act of 1973</p> <p>Chapter 6: The Americans with Disabilities Act</p> <p>Chapter 7: The Every Student Succeeds Act of 2015</p>

Module 3	<p>March 1st – March 29</p> <p>Opens at March 1, Tuesday, at 9:00 p.m.</p> <p>Closes with quiz on March 29, Tuesday, at 8:00 p.m.</p> <p>Scavenger Hunt assignment completed and submitted in Canvas by 11:59 P.M, March 28th</p>	<p>Chapter 8: Free Appropriate Public Education</p> <p>Chapter 9: Identification, Assessment, and Evaluation</p> <p>Chapter 10: The Individualized Education Program</p>
Module 4	<p>March 29- April 26</p> <p>Opens at March 29, Tuesday, at 9:00 p.m.</p> <p>Closes at with quiz on April 26, Tuesday, at 8:00 p.m.</p> <p>Interview of Director/diagnostician completed and submitted in Canvas by 11:59 p.m., April 25th</p>	<p>Chapter 11: Placing Students in the Least Restrictive Environment</p> <p>Chapter 12: Procedural Safeguards</p> <p>Chapter 13: Disciplining Students with Disabilities</p>

Plagiarism. Your work needs to be in your own words!! Plagiarism will be an automatic zero for an assignment and grounds for a disposition. All assignments will be submitted within the Unicheck plagiarism software within Canvas.

- All written assignments will be submitted via the submission link that utilizes Unicheck. Unicheck is a plagiarism detection device. A similarity match of 25% or greater indicates that you engaged in unethical behavior. Any written assignments with a 25% or greater match will receive a grade of zero.

Code of Conduct

Please see section 2.098 or the University of Texas at Tyler Handbook of Operating Procedures for specific information about expectations related to student conduct. It is the responsibility of the student to bring to the instructor’s attention any question, misunderstanding or confusions he/she has concerning classroom policy or course requirements BEFORE an adverse effect on student’s grade results.

Course Policies

People First Language/Class Etiquette: Our language is a reflection of our attitudes. Always refer to persons with disabilities with respect. Degrading terminology will not be tolerated. In this class we will strive to use “people first” language at all times. “People First” language always refers to the person first and not as a label or a category. For example, refer to “a student with autism” and not “an autistic child.”

Communication: You should log in to Canvas regularly (at least once a week) to view that announcements that may have been posted.

If you need to email me privately, I normally respond to emails within 24 hours.

If you have questions about grades or your performance in this class, I'm happy to meet with you by telephone, or if you reside close to the campus during a face-to-face office visit.

Course Organization and Frequent Logins

This course is organized into four learning modules. Frequent (not less than once a week) logins to the course are expected.

Late Work: Because this is an online class, you have a lot of flexibility in where and when you complete many of your assignments. You have many opportunities to submit the assignment on time assigned for a module. It is expected that assignments be turned in on time. An assignment will be considered late if it is not turned in by the day it is due. Assignments should be submitted in the assignment folder on Canvas. ***Late assignments are not accepted unless prior arrangements have been made with the instructor.***

Written assignments: Possessing the ability to clearly communicate in writing is an essential skill in our jobs as educational diagnosticians for the children and families we serve. Therefore, written assignments must be typed using double spacing lines and have page numbers. In addition, work submitted must reflect a professional quality in terms of scope, depth, writing mechanics, and appearance. Proofread all assignments as only materials with minimal or no errors will receive high scores. Plagiarism is not tolerated.

Academic Dishonesty: To be successful in this class, you must invest time for study. Honesty is expected. Academic dishonesty (e.g., cheating, plagiarism, collusion) will NOT be tolerated and will result in a grade of zero (0) for the assignment. A second infraction will result in automatic failure of the class. Dishonesty is defined as (a) the use of unauthorized materials, (b) any communication with peers during quizzes, (c) representing another's work as one's own (i.e. plagiarism), or (d) fabricating information. **All quizzes in this course are to be completed without the use of notes, textbook or other resource materials.** The professor reserves the right to determine occurrences of cheating. Additional information on Academic Dishonesty is found in the Selected University Policies section of this syllabus.

Plagiarism. Students need to use their own words when completing all assignments. A zero will be given for any assignment that is detected as being plagiarized. Students are subjected to a disposition or a failing grade in the course.

Unicheck is a tool that will be used to check a document for plagiarism. The tool provides feedback as to whether or not the text in a document is a close match with other documents on the Internet, in journal databases, and submitted to Canvas. If a student is caught plagiarizing, a grade of zero will be given as well as a disposition for cheating.

Canvas

You will access class resources, assignments, grades, and announcements through Canvas. Any changes to the course schedule, schedule of assignments, or any special assignments will be posted on Canvas.

Technology

Because this is an online course, you are expected to possess basic technology skills. However, if you are struggling with technology, please post your questions on coffee and conversations, or in many cases you can find answers to your question on Google or other search engines. For issues related to Canvas, please contact IT Support at itsupport@uttyler.edu.

State Board for Educator Certification (SBEC) Standards for Educational Diagnosticians

Standard I: The educational diagnostician understands and applies knowledge of the purpose, philosophy, and legal foundations of evaluation and special education.

Standard II: The educational diagnostician understands and applies knowledge of ethical and professional practices, roles, and responsibilities.

Standard III: The educational diagnostician develops collaborative relationships with families, educators, the school, the community, outside agencies, and related service personnel.

Standard IV: The educational diagnostician understands and applies knowledge of student assessment and evaluation, program planning, and instructional decision making.

Standard V: The educational diagnostician knows eligibility criteria and procedures for identifying students with disabilities and determining the presence of an educational need.

Standard VI: The educational diagnostician selects, administers, and interprets appropriate formal and informal assessments and evaluations.

Standard VII: The educational diagnostician understands and applies knowledge of ethnic, linguistic, cultural, and socioeconomic diversity and the significance of student diversity for evaluation, planning, and instruction.

Standard VIII: The educational diagnostician knows and demonstrates skills necessary for scheduling, time management, and organization.

Standard IX: The educational diagnostician addresses students' behavioral and social interaction skills through appropriate assessment, evaluation, planning, and instructional strategies.

Standard X: The educational diagnostician knows and understands appropriate curricula and instructional strategies for individuals with disabilities.

CEC ADVANCED SPECIAL EDUCATION DIAGNOSTICIAN SPECIALIST STANDARDS

Advanced Standard 1: Leadership and Policy

Special educators in advanced programs learn to use their deep understanding of the history of special education, current legal and ethical standards, and emerging issues to provide leadership. Special educators promote high professional self-expectations and help others understand the needs of individuals with exceptional learning needs. They advocate for educational policy based on solid evidence-based knowledge to support high quality education for individuals with exceptional learning needs. As appropriate to their role, they advocate for appropriate resources to ensure that all personnel involved have effective preparation. Special educators use their knowledge of the needs of different groups in a pluralistic society to promote evidence-based practices and challenging expectations for individuals with exceptional learning needs. They model respect for all individuals and ethical practice. They help to create positive and productive work environments and celebrate accomplishments with colleagues. They mentor others and promote high expectations for themselves, other professionals, and individuals with exceptional learning needs.

Advanced Standard 2: Program Development and Organization

Special educators apply their knowledge of cognitive science, learning theory, and instructional technologies to improve instructional programs. They advocate for a continuum of program options and services to ensure the appropriate instructional supports for individuals with exceptional learning needs. They help design and deliver, as appropriate to their role, ongoing results oriented professional development designed to support the use of evidenced-based practices at all relevant organizational levels. They use their understanding of the effects of cultural, social, and economic diversity and variations of individual development to inform their development of programs and services for individuals with exceptional learning needs. Special educators continuously broaden and deepen their professional knowledge, and expand their expertise with instructional technologies, curriculum standards, effective teaching strategies, and assistive technologies to support access to learning. They use their deep understanding of how to coordinate educational standards to the needs of individuals with exceptional learning needs to help all individuals with exceptional learning needs to access challenging curriculum standards.

Advanced Standard 3: Research and Inquiry

Research and inquiry inform the decisions of special educators who have completed advanced programs in guiding professional practice. Special educators know models, theories, philosophies, and research methods that form the basis for evidence-based practices in special education. This knowledge includes information sources, data collection, and data analysis strategies. Special educators evaluate the appropriateness of research methodologies in relation to practices presented in the literature. They use educational research to improve instructional techniques, intervention strategies, and curricular materials. They foster an environment supportive of continuous instructional improvement and engage in the design and implementation of action research. Special educators are able to use the literature to resolve issues of professional practice and help others to understand various evidence-based practices.

Advanced Standard 4: Individual and Program Evaluation

Evaluation is critical to advanced practice of special educators. Underlying evaluation is the knowledge of systems and theories of educational assessment and evaluation, along with skills in the implementation of evidence-based practices in assessment. Effective special educators design and implement research activities to evaluate the effectiveness of instructional practices and, as appropriate to their role, to assess progress toward the organizational vision, mission, and goals of their programs. It is critical in evaluation that nonbiased assessment procedures are used in the selection of assessment instruments, methods, and procedures for both programs and individuals. With respect to evaluation of individuals, special educators prepared at the advanced level are able to apply their knowledge and skill to all stages and purposes of evaluation including pre-referral and screening, pre-placement for special education eligibility, monitoring and reporting learning progress in the general education curriculum and other individualized educational program goals.

Advanced Standard 5: Professional Development and Ethical Practice

Special educators are guided by the professional ethics and practice standards. Special educators have responsibility for promoting the success of individuals with exceptional learning needs, their families, and colleagues. They create supportive environments that safeguard the legal rights of students and their families. They model and promote ethical and professional practice. Special educators plan, present, and evaluate professional development, as appropriate to their roles, based on models that apply adult learning theories and focus on effective practice at all organizational levels. Special educators model their own commitment to continuously improving their own professional practice by participating in professional development themselves.

Advanced Standard 6: Collaboration

Special educators prepared at the advanced level have a deep understanding of the centrality and importance of consultation and collaboration to the roles within special education and use this deep understanding to integrate services for individuals with exceptional learning needs. They also understand the significance of the role of collaboration for both internal and external stakeholders, and apply their skill to promote understanding, resolve conflicts, and build consensus among both internal and external stakeholders to provide services to individuals with exceptional learning needs and their families. They possess current knowledge of research on stages and models in both collaboration and consultation and ethical and legal issues related to consultation and collaboration. Moreover, special educators prepared at the advanced level have a deep understanding of the possible interactions of language, diversity, culture and religion with contextual factors and how to use collaboration and consultation to enhance opportunities for individuals with exceptional learning needs.

UNIVERSITY POLICIES

UT Tyler Honor Code

Every member of the UT Tyler community joins together to embrace: Honor and integrity that will not allow me to lie, cheat, or steal, nor to accept the actions of those who do.

For a full list of university policies including information related to the topics listed below, click [here](#).

- Students Rights and Responsibilities
- Campus Carry
- Tobacco-Free University
- Grade Replacement/Forgiveness and Census Date Policies
- State-Mandated Course Drop Policy
- Disability Services
- Student Absence due to Religious Observance
- Student Absence for University-Sponsored Events and Activities
- Social Security and FERPA Statement
- Emergency Exits and Evacuation
- Student Standards of Academic Conduct

UT Tyler Resources for Students:

- UT Tyler Writing Center (903.565.5995), writingcenter@uttyler.edu, <http://www.uttyler.edu/writingcenter/>
- UT Tyler Tutoring Center (903.565.5964), tutoring@uttyler.edu, <https://www.uttyler.edu/tutoring/>
- The Mathematics Learning Center, RBN 4021, This is the open access computer lab for math students, with tutors on duty to assist students who are enrolled in early-career courses.
- UT Tyler Counseling Center (903.566.7254) <https://www.uttyler.edu/counseling/>

[University Guidelines, Links and Policies](#)

COLLEGE OF EDUCATION AND PSYCHOLOGY (CEP) VISION AND MISSION

Vision: The College of Education and Psychology is nationally recognized and respected for its academic programs and opportunities. It is a center of academic excellence, scholarly inquiry, and public service. The College prepares leaders to meet the critical challenges of the 21st Century through productive contributions to local and global communities and toward individual and cultural equity.

Mission: The mission of the College of Education and Psychology is to provide a positive environment that fosters the acquisition of knowledge and skills. The mission is individually and collectively realized through a community of scholars that contributes to knowledge through scholarly inquiry; organizes knowledge for application, understanding and communication; and provides leadership and service. We affirm and promote global perspectives that value individual and cultural diversity to enhance learning, service, and scholarship.

UT TYLER'S SCHOOL OF EDUCATION STANDARDS FOR EDUCATOR PREPARATION PROGRAMS

[Texas Education Standards:](#) The School of Education are committed to teaching and implementing the Texas Educator Standards at the highest level. The School of Education faculty

use the Texas Education Standards, along with the Interstate New Teacher Assessment and Support Consortium (InTASC) standards used by educator preparation programs throughout the United States.

The list of [Texas Education Standards](#) can be accessed [here](#).

Access the [Code of Ethics and Standard Practices for Texas Educators](#).

Appendix A Director/Diagnostician Interview

You will be required to interview either a special education director, supervisor, or a diagnostician. The purpose of this assignment is to acquaint you with the legal aspects of the job of a director/diagnostician.

You will be required to write a report (minimum of 5 pages) on your experience. The report should include:

Director/Diagnostician Background: This would include such information as number of years as a director/diagnostician, number of years in position, teaching background, etc. Information obtained from the director/diagnostician. You will use the list of mandatory questions below for your interview. **DO NOT PLAN FOR A LENGTHY INTERVIEW AND BE SENSITIVE TO FEELINGS AND EMOTIONS DURING THE INTERVIEW.**

MANDATORY QUESTIONS

1. As a director/diagnostician, what preparation did you have to assist you with the legal issues of your position?
2. What type of training does the school district/campus provide for administrators in special education law?
3. When changes are made in special education law or in district special education procedures how are administrators made aware of the changes?
4. What is the most challenging part of your job?
5. Have you ever had to prepare for a due process hearing? If so, could you elaborate on the steps you took to prepare for the hearing?
6. How do you keep abreast of special education law?
7. What advice would you have for a future diagnostician who is concerned with keeping up with the legal issues in special education?
8. Do you use the legal framework from Region 18 ESC or the Commissioner's Rules (Side-by-Side) in your job? How?

Your 5 page report will also need to include the following information;

Your reflection on the experience

What did you learn that will make you a better diagnostician?