

# Midwestern State University

## Gordon T. & Ellen West College of Education

SPED 6913 Special Education Law

Dr. Dennis Cavitt

Fall 2020

Office BH 309

Office Hours M & W Face-to-Face- 1:00-4:00 Virtual: Tuesday 1-4 & Thursday 9:30-11:30 <sup>Virtual</sup>

Office Hours See links and Codes Below:

(Tuesday: <https://msutexas-edu.zoom.us/j/93277068115?pwd=T0cyMFZaY1BTdXFzSXBSQzVoOVVDUT09> Passcode: 932440)

(Thursday: <https://msutexas-edu.zoom.us/j/98863891516?pwd=NkkyUDZyUm1NZlE4c1hoaEc3dFNFZz09> Passcode: 789815)  
940--397-4139

[dennis.cavitt@msutexas.edu](mailto:dennis.cavitt@msutexas.edu)

### **Required Texts:**

Bateman, D. & Cline, J. (2019) *Special Education Law Case Studies: A Review from Practitioners*. Lanham, MD: Rowman & Littlefield.

Yell, M. (2019). *The law and special education* (5th ed.). Upper Saddle River, N.J.: Pearson.

- Additional readings will be provided to supplement the text.

### **Recommended Book:**

*Publication Manual of the American Psychological Association*, 7th ed. Washington, DC: American Psychological Association, 2020. All written work must follow APA 7<sup>th</sup> Edition writing style unless otherwise indicated.

**Course/Catalog Description:** Historical foundations of special education law, federal and state regulations, and case law related to special education; includes assessment-related law.

### **Services for Students with Disabilities**

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, Midwestern State University makes reasonable adjustments in its policies, practices, services, and facilities to ensure equal opportunity for qualified persons with disabilities to participate in all educational programs and activities. A student/employee who seeks accommodations on the basis of disability must register with Disability Support Services, Clark Student Center Room 168. Documentation of disability from a competent professional is required. The Director of Disability Support Services serves as the ADA Coordinator and may be contacted at (940) 397-4140, TDD (940) 397-4515, or 3410 Taft Blvd., Clark Student Center Room 168. The web address is <http://students.mwsu.edu/disability/>.

### **Concealed Carry Statements for the West College of Education University**

Senate Bill 11 passed by the 84<sup>th</sup> Texas Legislature allows licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. For more information regarding campus carry, please refer to the University's webpage at: <http://mwsu.edu/campus-carry/>.

### **Conceptual Framework Overview**

The outcomes for graduates of professional programs are based upon knowledge and skills

#### **Conceptual Framework**

- **Learner Development** – understand how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and design and implements developmentally appropriate and challenging learning experiences
- **Learning Differences** – understand individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards
- **Learning Environment** – work with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self-motivation.
- **Content Knowledge** – understand central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make discipline accessible and meaningful for learners to assure mastery of the content
- **Application of Content** – understand how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues.
- **Assessment** – understand and use multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide teacher's and learner's decision making.
- **Planning for Instruction** – plan instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community
- **Instructional Strategies** – understand and use a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways
- **Professional Learning and Ethical Practice** – engage in ongoing professional learning and use evidence to continually evaluate his or her practice, particularly the effects of his or her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner
- **Leadership and Collaboration** – seek appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession.

### Objectives

The candidate will meet the following *Texas Educator* Standards for special educators. These are aligned with the Council for Exceptional Children (CEC) knowledge and skills standards as they apply to students with disabilities.

**Objectives** The specific objectives are that at the completion of the course you will have:

1. An understanding of the fundamentals and history of the development of special education and civil rights for students with disabilities.
2. A basic knowledge of the fundamental principles of the Individuals with Disabilities Education Act (IDEA).
3. A basic knowledge of the fundamental principles of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).
4. An ability to apply these basic legal principles to actual situations involving disabled students in public education.
5. An ability to demonstrate a working knowledge of the course materials through successful completion of assignments and a final examination.

<b>Knowledge:</b>	
SA1K1	Laws and policies for general and special education. <b>(RP, CA, AR, EX)</b>
SA1K2	Evolution of laws and policies that impact the lives of individuals with exceptionalities and their families from birth through adulthood. <b>( EX)</b>
SA1K3	Political and economic issues that affect policy development. <b>(RP,CA,EX)</b>
SA1K5	Development and implementation of policies and regulations for individuals with exceptional learning needs and their families. <b>(RP,CA,EX)</b>
SA1K6	Laws and policies regarding assessment, program evaluation, and accountability related to individuals with exceptional learning needs. <b>(RP,CA,EX)</b>
SA1K12	Laws and policies governing the discipline of all students and implications for individuals with exceptional learning needs. <b>(CA,EX, AR)</b>
SA1K13	Legal and ethical issues of behavior management of individuals with exceptional learning needs. <b>(CA,EX)</b>
<b>Skills:</b>	
SA1S1	Interpret laws and policies pertaining to individuals with exceptional learning needs. <b>(CA,AR,EX)</b>
ACC2S4	Incorporate essential components into individualized education plans <b>(EX)</b>

**Assessment** : Student performance of knowledge and skills listed above will be formally assessed by grading rubrics (paper), essay questions (quizzes), research project, and documentation of class activities.

Codes for assessment: **RP**-Research project, **EX**-Exam, **CA**-Case analysis; **AR**-Article reviews.

**Dispositions** The special education faculty expects students to be reflective, culturally sensitive practitioners and leaders in the profession of education who practice within the Code of Ethics adopted by the CEC.

*Special education professionals are committed to developing the highest educational and quality of life potential of individuals with exceptionalities.*

*Special education professionals promote and maintain a high level of competence and integrity in practicing their profession.*

*Special education professionals engage in professional activities which benefit individuals with exceptionalities, their families, other colleagues, students, or research subjects.*

*Special education professionals exercise objective professional judgment in the practice of their profession.*

*Special education professionals strive to advance their knowledge and skills regarding the education of individuals with exceptionalities.*

*Special education professionals work within the standards and policies of their profession.*

*Special education professionals seek to uphold and improve where necessary the laws, regulations, and policies governing the delivery of special education and related services and the practice of their profession.*

*Special education professionals do not condone or participate in unethical or illegal acts, nor violate professional standards adopted by the Delegate Assembly of CEC.*

The Council for Exceptional Children. (1993). CEC Policy Manual, Section Three, part 2 (p. 4). Reston, VA: Author

### **Conceptual Framework Overview**

The outcomes for graduates of professional programs are based upon knowledge, skills, and dispositions in the following elements:

Learning Environment – Graduates of West College of Education (GWCOE) create challenging, supportive, and learner-centered environments in diverse settings.

Individual Development - GWCOE demonstrate knowledge of individual differences in growth and development.

Diverse Learners - GWCOE recognize the value and challenges of individual differences.

Reflection - GWCOE engage in individual and group reflection to improve practice.

Collaboration, Ethics, Relationships - GWCOE develop positive relationships, use collaborative processes, and behave ethically.

Communication - GWCOE communicate effectively both verbally and nonverbally through listening, speaking, reading, and writing.

Professional Development - GWCOE actively engage in continuous learning and professional development.

Strategies and Methods - GWCOE use a variety of instructional strategies aligned with content to actively engage diverse learners.

Content Knowledge - GWCOE demonstrate mastery of the content area(s) and remain current in their teaching fields.

Planning Process - GWCOE demonstrate effective planning as part of the instructional cycle.

Assessment - GWCOE demonstrate formative and summative techniques to plan, modify, and evaluate instruction.

### **Methods of Instruction**

This course will be presented in a manner that will allow you to learn independently, from each other, interaction with instructor via discussions, discussion board, email, and postings. While you may work somewhat at your own pace, I have found that most students appreciate the structure of due dates. Please adhere to the due dates and adjust your study schedule accordingly.

Internet courses are a convenient and effective method of learning, however they require as much work and attention as traditional instruction. Please adhere to the following guidelines/suggestions to ensure success this semester.

1. Do not think you can do this course in your spare time. Plan, plan, and plan some more. Schedule at least 12-15 hours a week to dedicate to this course.
2. Please adhere to all deadlines and due dates-this will help you plan-you may complete assignments early but do not turn them in late.
3. Please read and re-read assignments. Get clarification as soon as can (do not wait until the night before). Post questions on the public discussion board, email me.

**Assignments:** All written work must follow APA guidelines as specified in the 6<sup>th</sup> edition of the *Publication Manual of the American Psychological Association* (2010) unless otherwise indicated.

#### **1. Flipgrid Introduction of Self (10 pts)**

Introducing and “meeting” fellow classmates within an online course is an important part of establishing an effective online learning community. We will be using FLIPGRID in this course. Let us know information about you so that we can start becoming a learning community. You will need to include the following information in your introduction:

- You will need to include the following in your introduction:
  - Your name, your current position and why you are pursuing this degree/certification. In other words what does the future hold for you after you complete this degree/certificate.

- Tell a little about your family.
- What was the last book or movie you read/watched for fun.
- Finally, What do you want to get from this class.

### **ACCESSING FLIPGRID Introduction:**

- Watch the following video: [instruction video](#) or copy and past the following: <https://vimeo.com/293033551>
  - DOWNLOAD Flipgrid from the App store or Google Play
  - Using the built in FLipgrid QR Code reader:
- Or, click on the following link: <https://flipgrid.com/7d0d817a>

Discussions- We will be using D2L Discussions for all the class discussions:

Discussion topics:

1. Child Find/Zero Reject:
2. Appropriate Evaluation-
3. Individual Education Program (IEP)-
4. Free and Appropriate Education (FAPE) –
5. Least Restrictive Environment (LRE) –
6. Related Services –
7. Parent and Student Participation –
8. Procedural Safeguards/Confidentiality –
9. Private School Issues–
10. Discipline of Individuals with Disabilities

On-line discussions will occur Throughout the semester. You will find everything you need for your discussion by accessing the Discussion Assignment in D2L. Please do not wait to post your discussion at the last minute. Discussion activities have shown to be more meaningful and beneficial when a) they are focused, and b) everyone participates in a timely manner.

Log in regularly, at least daily, to respond to comments. Your job for the week that you are assigned as moderator is to 1.) Locate and send me the article to post and 2.) Log in regularly, at least daily, to respond to comments, keep the discussion going.

Participants: Read posted articles, post a minimum of three quality posts during the discussion period. You may also post more if you wish.

### **11. Case Brief (10 @ 25 pts each)**

The purpose of this assignment is to gain experience and practice in analyzing **due process** court rulings using a semi-formal method of case review. You will analyze the following **due process** cases using the method provided.

**The cases:**

1. *Case 1: Brown v Board of Education*
2. *Case 2: Diana v State Board of Education*
3. *Case 3: Pennsylvania Association for Retarded Citizens (PARC) v Commonwealth of Pennsylvania*

4. *Case 4: Mills v Board of Education of the District of Columbia*
5. *Case 5: Oberti v Board of Education of Clementon South Dakota*
6. *Case 6: Doe v Withers*
7. *Case 7: Rowly v Hendrick Hudson School District*
8. *Case 8: Irving Independent School District v. Tatro*
9. *Case 9: Daniel R. R. v. State Board of Education*
10. *Case 10: T.K. v. New York City Department of Education*

### **Case Briefing Process**

(Your Case Brief MUST be No longer than 2 pages in length. If it is longer than 2 pages you will receive a grade reduction)

1. *Issue:* What brought about the suit.
2. *Facts:* Explain the essential facts of the case. Tell the story of the case.
3. *Decision in administrative hearings and the lower courts:* State the decision in administrative hearings and in the lower court(s).
4. *Rationale:* This is a very important part of the case brief. You must explain the gist of the court ruling (i.e., why the court arrived at its holding).
5. *Holding/Rationale:* The ruling of the court.
6. *Scope of the holding:* Identify the jurisdiction of the court and the population addressed by the court.
7. *Implications and Unresolved issues and further questions:* Identify and discuss issues and questions regarding this case.

### **Example:**

Mitchell v. Board of Trustees of Pickens County School District  
599 F.2d 582 (1979)

**ISSUE:** Can a teacher's contract not be renewed when required to report pregnancy immediately to school board upon its discovery and then use disclosed pregnancy as the sole basis not to renew contract for the succeeding school year? Can the school board justify such policy on the ground of "business policy?"

**FACTS:** Teacher was certified for school year 1971-72. Full agreement that her work was of the highest quality was substantiated. In February, 1972, she signed a contract for the 1972-73 school year. In April, she discovered she was pregnant and anticipated needing six weeks leave. Plan was disapproved by the superintendent and the board and her contract was not renewed on the basis of "unwritten policy" against renewing the contract of any teacher who could not commit a full year's service.

Teacher brought suit against school officials under the Civil Rights Act of 1871, 42 U.S.C. § 1871, alleging violation of her federal constitutional rights. The school district moved for summary judgment and dismissal, which was granted. The teacher appealed to the Circuit Court of Appeals and filed a second action under Title VII.

**HOLDING:** Court of Appeals reversed the district court's decision and remanded the matter back to the district court for consideration consistent with the Circuit's decision.

**RATIONALE:** A "prima facie" violation of Title VII of the Civil Rights Act of 1964 occurred by reason of the school board's policy.

**IMPLICATIONS:** Discriminatory treatment by school officials of a protected class of citizens, in this case a pregnant female employee, is expressly prohibited by Title VII of the Civil Rights Act. The U.S. Constitution and acts of congress, when such acts are within the authority of congress, are supreme law, and any state or local policy or practice to the contrary, whether written or unwritten, will be struck down. School officials are responsible for being both knowledgeable and in compliance with federal policy. There is no defense for not knowing the law and corresponding regulations.

#### **4. SPED Law Research Project (100 pts)**

The purpose of this assignment is for you to examine in depth one of the key principles of Special Education. You will need to choose one of the 8 key principles and conduct a thorough research paper over that principle. You will need to include at least one historical court case analysis in your paper. The paper must be between 1000-1,500 words double spaced with a minimum of 5 valid references following the APA 7<sup>th</sup> edition. You will upload your paper and D2L for grading.

You will choose from the following:

8 Key Principles of Special Education

1. Child Find/Zero Reject
2. Appropriate Evaluation
3. Individualized Education Program
4. Free Appropriate Public Education (FAPE)
5. Least Restrictive Environment
6. Related Services
7. Parent and Student Participation in Decision Making
8. Procedural Safeguards/Confidentiality

**NOTE: DUE DATES...** All assignments for a given week should be posted no later than Saturday at midnight of the assigned week. For example, all assignments assigned on 8/29/16 should be posted by Midnight, Saturday, 9/04/16. Discussions will open on Sunday and end at Midnight on Saturday.

#### **5. Readings from the *Special Education Law Case Studies*:**

You will read the following cases from the book:

Case One: Sarah-Private School and FAPE.

Case Two: Josh-Extended School Year Eligibility.

Case Three: Calvin-Behavioral Issues.

Case Four: Manuel-Least Restrictive Environment.

Case Five: Sawyer-Assistive Technology.

Case Six: Caleb-Identification and Changing Schools.

Case Twelve: Mason-Mediation Order Implementation.

Case Thirteen: Brody-Child Find.

Case fourteen: Destiny-Section 504.



Case Fifteen: Amelia-Compensatory Education.

After reading the case, you will need to create a minimum of a 500-word professional reflection of the case and its elements. The focus of your reflection needs to center around how this case and decision will impact your future practice. (10 points for each case for a total of 100 points).

**6. Exams ( 2 @ 50 pts each)** You will be given a midterm and a final exam requiring you to apply your knowledge of special education law. The exams will come from information you have read through the assigned readings in your text.

**7. Procedural Safeguards Assignment (100 Points):**

As a leader in Special Education, one of your responsibilities is to take the Procedural Safeguards and explain them to a parent in such a way that the parent will understand the document and their and their child's rights. What you will need to do for this assignment is for you to create a video of you explaining the Procedural safeguards. You will need to make this video no more than 10 minutes in length and you must explain all elements of the document.

**8. Andrew F. v. Douglas County School Dist. Case Assignment. (125 Points)**

For this assignment you will need to conduct an interview with your district's Special Education director. Prior to the interview you will need to complete a case analysis as you have with the 10 other significant court cases. However, you will also need to develop 10 interview questions that address how your district is addressing the findings from Andrew F. Supreme Court Ruling.

- **Prior to your interview with your special education director, you MUST submit your 10 questions to me and receive approval. This assignment is worth 125 Points**

**Remember to follow the Case Briefing Process.**

**Attendance Policy** Students are expected to log-in to class weekly. Since this is an online course, attendance is equivalent to participation.

**Other Class Policies** Students are expected to be prepared for class by reading assigned material and being able to engage in meaningful discussion of content. It is the expectation that students arrive to class on time and meet the necessary timelines for all assignments.

**Plagiarism Statement**

You are expected to submit your own work for all assignments. Work prepared for other courses is not to be submitted for credit in this course. Do not copy and paste work into your assignments, including discussions, unless you give proper credit by citing the appropriate source. Plagiarism will not be tolerated.

“By enrolling in this course, the candidate expressly grants MSU a ‘limited right’ in all intellectual property created by the candidate for the purpose of this course. The ‘limited right’ shall include but shall not be limited to the right to reproduce the

candidate's work product in order to verify originality, authenticity, and educational purposes." from Student Handbook

Plagiarism or falsifying assignments could result in a grade of F, a Fitness Alert, and possible expulsion from the special education program.

### Course Calendar

## **SPED 6913 Special Education Law Calendar and Assignment Overview**

### **Week 1/2**

**August 22<sup>nd</sup>- August 29<sup>th</sup>, 2020**

#### **Yell Book reading Assignments:**

Chapter 1-Introduction to the American Legal System & quiz  
Chapter 2-Legal Research & quiz.

#### **Special Education Law Case Studies book:**

Case One: Sarah-Private School and FAPE.

#### **Discussion:**

Introduction

### **Week 3**

**August 30<sup>th</sup> – September 5<sup>th</sup>, 2020**

#### **Yell Book reading Assignments:**

Chapter 3-The History of the law and Children with Disabilities & quiz  
Chapter 4-The Individuals with Disabilities Education Act & quiz.

#### **Special Education Law Case Studies book:**

Case Two: Josh-Extended School Year Eligibility.

#### **Discussion:**

Child Find/Zero Reject

#### **Case Briefing:**

Case 1: *Brown v Board of Education*

### **Week 4**

**September 6<sup>th</sup> – September 12<sup>th</sup>, 2020**

#### **Yell Book reading Assignments:**

Chapter 5-Section 504 of the Rehabilitation Act of 1973 & quiz

#### **Special Education Law Case Studies book:**

Case Three: Calvin-Behavioral Issues.

#### **Discussion:**

Appropriate Evaluation

#### **Case Briefing:**

Case 2: *Diana v State Board of Education*

**Week 5**  
**September 13<sup>th</sup> – September 19<sup>th</sup> , 2020**

**Yell Book reading Assignments:**

Chapter 6-The Americans with Disabilities Act & quiz.

**Special Education Law Case Studies book:**

Case Four: Manuel-Least Restrictive Environment.

**Discussion:**

Individual Education Program (IEP)

**Case Briefing:**

Case 3: *Pennsylvania Association for Retarded Citizens (PARC) v Commonwealth of Pennsylvania*

**Week 6**  
**September 20<sup>th</sup> – September 26<sup>th</sup> , 2020**

**Yell Book reading Assignments:**

Chapter 7-Every Student Succeeds Act of 2015 & quiz

**Special Education Law Case Studies book:**

Case Five: Sawyer-Assistive Technology.

**Discussion:**

Free and Appropriate Education (FAPE)

**Case Briefing:**

Case 4: *Mills v Board of Education of the District of Columbia*

**Week 7**  
**September 27<sup>th</sup> – October 3<sup>rd</sup> , 2020**

**Yell Book reading Assignments:**

Chapter 8-Free Appropriate Public Education & quiz.

**Special Education Law Case Studies book:**

Case Six: Caleb-Identification and Changing Schools.

**Discussion:**

Least Restrictive Environment (LRE)

**Case Briefing:**

Case 5: *Oberti v Board of Education of Clementon South Dakota*

**Midterm**

The Midterm will be open from October 3<sup>rd</sup> and close October 10<sup>th</sup> by 11:59 PM.

**Week 8**

## **October 4<sup>th</sup> – October 10<sup>th</sup> , 2020**

### **Yell Book reading Assignments:**

Chapter 9-Identification, Assessment, & Evaluation & quiz

### **Special Education Law Case Studies book:**

Case Twelve: Mason-Mediation Order Implementation.

### **Discussion:**

Related Services

### **Case Briefing:**

*Case 6: Doe v Withers*

### **Midterm**

The Midterm will be open from October 3<sup>rd</sup> and close October 10<sup>th</sup> by 11:59 PM.

## **Week 9**

## **October 11<sup>th</sup> – October 17<sup>th</sup> , 2020**

### **Yell Book reading Assignments:**

Chapter 10-The Individualized Education Program & quiz.

### **Special Education Law Case Studies book:**

Case Thirteen: Brody-Child Find.

### **Discussion:**

Parent and Student Participation

### **Case Briefing:**

*Case 7:Rowly v Hendrick Hudson School District*

## **Week 10**

## **October 18<sup>th</sup> – October 24<sup>th</sup> , 2020**

### **Yell Book reading Assignments:**

Chapter 11-Placing Students in the Least Restrictive Environment & quiz

### **Special Education Law Case Studies book:**

Case Fourteen: Destiny-Section 504.

### **Discussion:**

Procedural Safeguards/Confidentiality

### **Case Briefing:**

Case 8: Irving Independent School District v. Tatro

## **Week 11**

## **October 25<sup>th</sup> – October 31<sup>st</sup> , 2020**

### **Yell Book reading Assignments:**

Chapter 12-Procedural Safeguards & quiz.

**Special Education Law Case Studies book:**

Case Fifteen: Amelia-Compensatory Education.

**Discussion:**

Private School Issues

**Case Briefing:**

Case 9: *Daniel R. R. v. State Board of Education*

**Week 12**

**November 1<sup>st</sup> – November 7<sup>th</sup> , 2020**

**Yell Book reading Assignments:**

Chapter 13-Disciplining Students with Disabilities & quiz.

**Discussion:**

Discipline of Individuals with Disabilities

**Case Briefing:**

Case 10: *T.K. v. New York City Department of Education*

**Week 13**

**November 8<sup>th</sup> – November 14<sup>th</sup> , 2020**

**Yell Book reading Assignments:**

Chapter 14-Procedural Safeguards & quiz.

**Procedural Safeguards Assignment**

**Week 14**

**November 15<sup>th</sup> – November 21<sup>st</sup> , 2020**

SPED Law Research Project due November 23<sup>rd</sup> by 11:59 PM

**Week 15**

**November 22<sup>nd</sup> – November 28<sup>th</sup> , 2020**

Andrew F. Assignment due November 30<sup>th</sup> by 11:59 PM

**Week 16/Finals week**

**November 29<sup>th</sup> – December 5<sup>th</sup> , 2020**

Final Due no later than December 14<sup>th</sup> by 5 PM.

**Grading for the Course**

Conversion

100% – 90% = A

89%-80% = B

79%-70% = C

69%-60% = D

< 60% = F

**Case Analyses (10 @ 25 pts each)**

The purpose of this assignment is to gain experience and practice in analyzing **due process** court rulings using a semi-formal method of case review. You will analyze the following **due process** cases using the method provided.

**The cases:**

*Case 1: Brown v Board of Education*

*Case 2: Diana v State Board of Education*

*Case 3: Pennsylvania Association for Retarded Citizens (PARC) v Commonwealth of Pennsylvania*

*Case 4: Mills v Board of Education of the District of Columbia*

*Case 5: Oberti v Board of Education of Clementon South Dakota*

*Case 6: Doe v Withers*

*Case 7: Rowly v Hendrick Hudson School District*

*Case 8: Irving Independent School District v. Tatro*

*Case 9: Daniel R. R. v. State Board of Education*

*Case 10: T.K. v. New York City Department of Education*

**Case Briefing Process**

(Your Case Brief MUST be No longer than 2 pages in length. If it is longer than 2 pages you will receive a grade reduction)

1. *Issue:* What brought about the suit.
2. *Facts:* Explain the essential facts of the case. Tell the story of the case.
3. *Decision in administrative hearings and the lower courts:* State the decision in administrative hearings and in the lower court(s).
4. *Rationale:* This is a very important part of the case brief. You must explain the gist of the court ruling (i.e., why the court arrived at its holding).
5. *Holding/Rationale:* The ruling of the court.
6. *Scope of the holding:* Identify the jurisdiction of the court and the population addressed by the court.
7. *Implications and Unresolved issues and further questions:* Identify and discuss issues and questions regarding this case.

**Example:**

Mitchell v. Board of Trustees of Pickens County School District  
599 F.2d 582 (1979)

**ISSUE:** Can a teacher's contract not be renewed when required to report pregnancy immediately to school board upon its discovery and then use disclosed pregnancy as the sole basis not to renew contract for the succeeding school year? Can the school board justify such policy on the ground of "business policy?"

**FACTS:** Teacher was certified for school year 1971-72. Full agreement that her work was of the highest quality was substantiated. In February, 1972, she signed a contract for the 1972-73 school year. In April, she discovered she was pregnant and anticipated needing six weeks leave. Plan was disapproved by the superintendent and the board and her contract was

not renewed on the basis of "unwritten policy" against renewing the contract of any teacher who could not commit a full year's service.

Teacher brought suit against school officials under the Civil Rights Act of 1871, 42 U.S.C. § 1871, alleging violation of her federal constitutional rights. The school district moved for summary judgment and dismissal, which was granted. The teacher appealed to the Circuit Court of Appeals and filed a second action under Title VII.

**HOLDING:** Court of Appeals reversed the district court's decision and remanded the matter back to the district court for consideration consistent with the Circuit's decision.

**RATIONALE:** A "prima facie" violation of Title VII of the Civil Rights Act of 1964 occurred by reason of the school board's policy.

**IMPLICATIONS:** Discriminatory treatment by school officials of a protected class of citizens, in this case a pregnant female employee, is expressly prohibited by Title VII of the Civil Rights Act. The U.S. Constitution and acts of congress, when such acts are within the authority of congress, are supreme law, and any state or local policy or practice to the contrary, whether written or unwritten, will be struck down. School officials are responsible for being both knowledgeable and in compliance with federal policy. There is no defense for not knowing the law and corresponding regulations.

### **SPED Law Research Project**

#### **SPED Law Research Project (100 pts)**

##### **Directions:**

The purpose of this assignment is for you to examine in depth one of the key principles of Special Education. You will need to choose one of the 8 key principles and conduct a thorough research paper over that principle. You will need to include at least one historical court case analysis in your paper. The paper must be between 1000-1,500 words double spaced with a minimum of 5 valid references. You will upload your paper and D2L for grading.

You will choose from the following:

##### 8 Key Principles of Special Education

9. Child Find/Zero Reject
10. Appropriate Evaluation
11. Individualized Education Program
12. Free Appropriate Public Education (FAPE)
13. Least Restrictive Environment
14. Related Services
15. Parent and Student Participation in Decision Making
16. Procedural Safeguards/Confidentiality

**Make sure that you use the Case briefing Process in reviewing cases.**