

University of La Verne
College of Law
Summer 2019 Syllabus

SPECIAL EDUCATION LAW

Professor Elizabeth Eubanks
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Office Hours: By appointment

Class times: Tuesdays & Thursday 6:30-8:20 pm

Required Text: Colker & Waterstone, *Special Education Advocacy*

General Course Description: The purpose of this course is to teach students how to be advocates for children who receive assistance through special education. Laws addressed include the Individuals with Disabilities Education Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, and California's related statutes.

Instructions: For each class period, students should complete the assigned reading. Students will be required to participate in in-class simulations, to engage in discussion on hypotheticals, and to submit written responses to periodic prompts.

Grading:

- Participation in written prompts and simulations: 20%
- In-class participation: 10%
- Final Exam: 70%

Class Policies and Standards

CLASS ATTENDANCE

As a requirement for the accreditation of law schools by the ABA, **regular** and **punctual** class attendance is necessary, and each law school has the burden of demonstrating enforcement of this class attendance requirement. Attendance will be taken by use of a roll sheet that is circulated among the class. An excessive number of absences (more than 2.5) will result in your withdrawal from the course, in accordance with school policy. There is no distinction between "excused" and "unexcused" absences, so please manage your absences accordingly.

It is each student's responsibility to sign the roll sheet that is circulated each class period, to ensure that his or her attendance in class is recorded. If a student initials or signs the roll sheet *on behalf of another student*, regardless of whether or not the other student is present in class, such a transgression will be treated as an ethical violation, and will be referred to the Assistant Dean for Student Affairs for resolution.

TARDINESS

Our students must adopt a habit of punctuality as practitioners in an esteemed profession, and it is timely to cultivate this habit as law students. Students are expected to be on time.

DISABILITY ACCOMMODATIONS

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

ABA STANDARD 310

This course is designed to satisfy the requirements of ABA Standard 310. Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments).

Class Learning Objectives

By the end of the course students should be able to:

- a. Understand the underlying reasons for the enactment of federal and state laws protecting students with disabilities;
- b. Identify, analyze, and evaluate special education violations under state and federal law.

CLASS ONE (June 4): INTRODUCTION

- Special Education Advocacy: Chapters 1 and 2
- 20 U.S.C. § 1400
- *Parc v. Pennsylvania* (page 587)
- *Mills v. Board of Education* (page 599)

CLASS TWO (June 6): CHILD FIND & ELIGIBILITY & RELATED PROCEDURAL SAFEGUARDS

- Special Education Advocacy: Chapter 3
- *LJ v. Pittsburg United School District*, 850 F.3d 996 (9th Cir. 2017)
- *Compton Unified School District v. Allen*, 598 F.3d 1181 (9th Cir. 2010)
- 34 CFR §§ 300.8, 300.111, 300.301(c)(2), 300.503, 300.504(a)(1), (c); Cal Ed Code §§ 56026, 56029, 56300; 20 U.S.C. §§ 1401(3) 1412(a)(3); 1414(a)(1)(C)(i); 5 CCR § 3030.

CLASS THREE (June 11): EDUCATION EVALUATIONS AND ASSESSMENTS

- Special Education Advocacy: pp. 84-126
- *N.B. v. Hellgate Elementary School*, 541 F.3d 1202 (9th Cir. 2008)
- *Benjamin G. v Special Education Hearing Office*
- 20 USC § 1414 (a), (b), (c); 34 CFR §§ 300.15, 300.300, 300.301, 300.302, 300.303, 300.304-300.311, 300.502; Cal Ed Code § 56329(b)

CLASS FOUR (June 13): PROCEDURAL REQUIREMENTS OF AN IEP

- Special Education Advocacy: pp. 149-184
- *Honig v. Doe*, 484 U.S. 305 (1988)
- *W.G. v. Board of Trustees of Target Range School District No. 23*, 960 F.2d 1479 (9th Cir. 1992)
- 20 U.S.C. §§ 1415(b)(1)-(b)(8); 34 CFR §§ 300.9, 300.30, 300.503, 300.504

CLASS FIVE (June 18): SUBSTANTIVE REQUIREMENTS OF AN IEP

- *Board of Education v. Rowley*, 458 U.S. 176 (1982)
- *Andrew F. v. Douglas County School District*, 137 S. Ct. 988 (2017)
- *M.C. v. Antelope Valley Union High Sch. Dist.*, 852 F.3d 840 (9th Cir. 2017)
- *Cedar Rapids Cmty. Sch. Dist. v. Garrett F.*, 526 U.S. 66 (1999)
- 20 U.S.C. § 1401(29), 1412(a)(1)(A),

CLASS SIX (June 20): IEP Review

- In class activity

CLASS SEVEN (June 25): SCHOOL DISCIPLINE

- Special Education Advocacy: pp. 239-261
- 34 CFR § 300.530; 300.536
- *Goss v. Lopez*, 419 U.S. 565 (1975)

CLASS EIGHT (June 27): SCHOOL TO PRISON PIPELINE

- Special Education Advocacy: pp. 401-415

CLASS NINE (July 2): THE DUE PROCESS COMPLAINT

- Special Education Advocacy: Chapter 9
- *Shaffer v. Weast*, 126 S. Ct. 528 (2005)

CLASS TEN (July 5): IDEA v ADA v 504

- Special Education Advocacy: pp. 83-84
- *K.M. v. Tustin Unified School District*, 725 F. 3d 1088 (9th Cir 2013)
- *Fry v. Napoleon Community Schools*, 137 U.S. 743 (2017)
- 29 U.S.C. § 794(a); 34 CFR § 104.33; 42 U.S.C. §§ 12131, 12132; 28 C.F.R § 35.130

CLASS ELEVEN (July 9): REMEDIES

- Special Education Advocacy: pp. 353-389
- *Arlington v Murphy*, 126 S Ct. 2455 (2006)
- *Burlington v. Dept of Ed.*, 105 S Ct. (1996)

CLASS TWELVE (July 11): CLIENT PREP SIMULATION

- Simulation instructions and prompt submission TBD.

CLASS THIRTEEN (July 16): IEP SIMULATION

- Simulation instructions and prompt submission TBD.

CLASS FOURTEEN (July 18) DUE PROCESS SIMULATION

- Simulation instructions and prompt submission TBD.

CLASS FIFTEEN (July 23): REVIEW