Course: Special Education Law
Instructor: George Giuliani, J.D., Psy.D.
Credit Hours: Two (2.0) semester hours
Co-Requisites: For Law School Students, no prerequisites or co-requisites are required. For all other students, completion of Master’s level courses is required.

Semester: Fall, 2014
Day/Time: Wednesdays; 8:10 a.m.-10:00 a.m.
Course Location: Koppleman Hall, Room 206
Office Hours: See Below:

- Wednesdays, 7:30 a.m.-8:00 a.m.; 10:00 a.m.-10:30 a.m. - For Law School Students Only—Made by contacting me directly—Meet at a determined location at the Law School.

- Wednesdays: 10:30 a.m.-12:30 p.m. - For All Students. To set up an appointment on Wednesdays between 10:30 a.m.-12:30 p.m. (meet at Hagedorn Hall, Room 250), call Marjorie at 516-463-5968

Office: Hagedorn Hall (Room 250)
Telephone Number: (Hofstra): 516-463-5143 or (Home): 631-427-6455
Email: George.A.Giuliani@hofstra.edu or cprgag@hofstra.edu

The best way to communicate with me is by email. I will always do my best to get back to you within 24 hours.

When sending an email, please always write: ‘Special Education Law Student’ in the Re: Subject Box. This will inform me that it is a student from Hofstra University in the course Special Education Law.

If you need to meet with me in person, contact Marjorie Butler at 516-463-5968 to set up an individual appointment.

Course Description: This course examines the historical development of special education through landmark legislation and litigation, parent advocacy, and national economic and social needs. It reviews U.S. public policies pertaining to children and youth with disabilities. Focus on past and current federal and state policies and their impact on educational, social and vocational services for individuals with disabilities will be examined. The role of law in forming and shaping special education practices; the ethical dilemmas and debates that drive much of special education, and the opportunity that exists to develop cooperative, collaborative and effective partnerships between parents, districts and service providers that result in quality education programs for students with disabilities will be analyzed.
Learning Objectives:

By the end of this course, students should:

- Have a thorough knowledge of basic rules of, and policy considerations underlying, special education law.
- Understand the situations in which NYS special education law differs from the federal law (Individuals with Disabilities Education Improvement Act), both how and why.
- Understand the roles and differing characteristics of sources of special education law, primarily federal legislation (the Individuals with Disabilities Education Improvement Act), administrative regulations, and judicial interpretation of the Code (U.S.C.) and regulations (C.F.R).
- Be able to identify legal issues in facts and apply rules and policy to facts of special education law as it relates to a free appropriate public education (FAPE) for students with disabilities.
- Develop an appreciation of the educational considerations that drive decision making – including decisions relating to the identification, evaluation, eligibility determination and educational placement of children with disabilities.
- Develop an appreciation of the role and work of special education lawyers, along with the parents, teachers, administrators and other school professionals with whom they work.
- Have acquired an awareness of current events and developments affecting special education in the United States.

Required Textbooks: There are two books to be purchased for this course:


Lectures and Class Preparation: Being prepared for class is obviously very important. My style of teaching is not to use what most of you know as the ‘Socratic method’ to teach you about special education law. I call on those who raise their hands and seek to participate.

Both the lectures and the assigned readings are important, and you shouldn’t decide to focus on one and skip the other. In most cases, I lecture on the reading assignments, however, I will often discuss a topic for which I haven’t assigned reading material.

Final Grades: The final grade in this course for each student will be based on the final examination, attendance and class participation.

The number of students registered in this course may require final grading to be done based on the mandated formal law school grading curve. If this is the case, the relevant provisions of the Academic Regulations which institute the formal grading curve policy will be applied.
If the final number of students registered is below the mandated formal law school grading curve requirements, then please note that I will adhere to the Law School’s Grading Policy which states: “Courses to which the curve does not apply are generally subject to a requirement that the mean GPA not exceed 3.3” (Maurice A Deane School of Law 2013-2014 Adjunct Faculty Handbook, p.19).

**Final Examination (85% of the final grade):** The final examination is worth 85% of a student’s final grade. The final examination will be a three hour in-class closed book examination. The material for the final examination will come from in-class lectures, assigned readings, and discussions. The format of the final examination will most likely consist of multiple choice and an essay style question(s).

**Important Point:** I will only test you on material that is discussed in class. Anything we discuss in class is fair game for the final examination. However, if there is anything in your readings that we do not discuss in class, it will not be on the final examination. Therefore, your attendance in class is essential, as 100% of the material on the final examination will come directly from class lectures. (**Please be aware that this policy is subject to change if I get the impression that students are not doing the assigned readings or preparing appropriately for class.)

**Class Participation and Attendance (15% of the final grade):** Class participation and attendance are worth 15% of a student’s final grade. Simply stated, class participation can “bump up” your final grade one level (e.g., from a B to a B+), keep it as the same grade (e.g., a B remains a B) or “bump down” your final grade one level (e.g., from a B to a B-).

Students are expected to attend classes regularly and to prepare for classes conscientiously. The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly-scheduled classes. Thus, you may miss no more than 15% of your classes. Therefore, a student in this two-credit course may miss no more than six hours of class. Attendance (sign in sheet) will be taken at each regularly-scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in. Falsification of sign-in sheets is a violation of the Code of Academic Conduct. If you exceed the permitted absences by failing to sign in, you may be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you believe you must be absent from class for more than the permitted number of hours, you should email or speak with me as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship.

**Lateness:** It is important that you attend class on time. However, I understand that sometimes situations arise where lateness may occur. If you arrive late, I still would rather you attend class than to not show up at all. It is better to attend part of a class than none of it.
**Computer Policy:**  Computers are to be used during class for taking notes and no other purpose. They are not to be used to “surf the net” or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class.

**Summary of Grading Procedure:**

Your final grade in this course will substantially depend on your performance on a closed book 3-hour final examination given at the conclusion of the semester. The final examination is worth 85% of your final grade. The final examination will come from in-class lectures, assigned readings and discussions.

Your demonstrated level of preparedness, the quality of your class participation and your attendance will be factored into your final grade (worth 15% of your final grade).

There will be no written quizzes or papers assigned during the semester.

**COURSE SCHEDULE**

**NOTE:** **Schedule and/or course coverage are subject to change if we cover material faster/slower than expected**

8/27/14 & 9/3/14 (and first part of 9/10/14)

- **Introduction to Special Education Law**
  - Overview of IDEIA
  - Prevalence
  - Gender and Special Education
  - Parts of IDEIA
  - Citations under U.S.C. and C.F.R
  - Citations under NYS Special Education Law (NYCRR)
  - Overview of Section 504 of the Rehabilitation Act
  - Accommodations v. Modifications
  - Steps in the Special Education Process
  - Using Appropriate “People First” Language

- **History of Legislation of Children with Disabilities**

  Assigned Readings for 8/27/14 and 9/3/14 (and first part of 9/10/14)
  - Guersney and Klare: Page xxxvii (Note on Abbreviations); Chapter 1 and Appendix 1 of textbook, *Special Education Law* (3rd edition)
  - Giuliani: *Comprehensive Guide to Special Education Law*: Chapter 1

  Handouts to be distributed on the above related topics
9/10/14 (second part of 9/10/14)

➢ Parties to the Process: Who is a “Parent” under IDEIA?

Assigned Readings:
Giuliani: *Comprehensive Guide to Special Education Law*: Chapter 2

9/17/14

➢ Legal Provisions of a Free Appropriate Public Education (FAPE)

Assigned Readings:
Guersney and Klare: Chapter 3 of textbook, *Special Education Law* (3rd edition)
Giuliani: *Comprehensive Guide to Special Education Law*: Chapter 3


9/24/14 & 10/1/14

➢ Identification, Notice and Consent, Evaluations, and Independent Educational Evaluations

Assigned Readings:
Guersney and Klare: Chapters 4, 6 and 9 of textbook, *Special Education Law* (3rd edition)
Giuliani: *Comprehensive Guide to Special Education Law*: Chapters 4 and 5

10/8/14 & 10/15/14

➢ Individualized Education Programs (IEPs)
➢ Related Services
➢ Early Intervention (EI) Services, IDEIA Part C, and Individualized Family Service Plans (IFSP)

Assigned Readings:
Guersney and Klare: Chapters 7 and 18 of textbook, *Special Education Law* (3rd edition)
Giuliani: *Comprehensive Guide to Special Education Law*: Chapters 7, 8 and 13
10/22/14

➢ Educational Placements and the Least Restrictive Environment (LRE)
➢ Extended School Year Services (ESY) for Students with Disabilities

Assigned Readings:
Guersney and Klare: Chapter 8 of textbook, Special Education Law (3rd edition)
Giuliani: Comprehensive Guide to Special Education Law: Chapter 9

10/29/14

➢ Special Education Attorney Panel Discussion
On 10/29/14, three special education law attorneys, Brad Rosken, Esq., Courtney Whaas, Esq., and Nicholas Agro, Esq., will be coming to class to discuss their experiences in the field, what their lives are like doing this type of legal advocacy, discussing case studies, and answering your questions about the field of special education law.

11/5/14

➢ Disciplinary Actions for Students with Disabilities: Manifestation Determination Hearings

Assigned Readings:
Guersney and Klare: Chapter 10 of textbook, Special Education Law (3rd edition)
Giuliani: Comprehensive Guide to Special Education Law: Chapter 11

11/12/14

➢ Dispute Resolutions: Resolution Sessions, Mediation, Impartial Due Process Hearings and Administrative Appeals

Assigned Readings:
Guersney and Klare: Chapters 11 & 12 of textbook, Special Education Law (3rd edition)
Giuliani: Comprehensive Guide to Special Education Law: Chapter 10

11/19/14

➢ Dispute Resolutions: Resolution Sessions, Mediation, Impartial Due Process Hearings and Administrative Appeals

Note: 11/19/14—On this date, Courtney Whaas, Esq., will be coming in to lecture the class on her experiences with dispute resolutions, focusing specifically on real-life case studies.

11/26/14

➢ Finish All Course Material and Review for Final Examination

***DATE OF FINAL EXAMINATION—TO BE DETERMINED BY THE REGISTRAR’S OFFICE***