This course supports the assessments for FCC2. The course covers 5 competencies and represents 4 competency units.

**Introduction**

**Overview**

Introduction to Special Education, Law and Legal Issues introduces the history and nature of special education and how it relates to general education, as well as specific legal acts and concepts governing it. Topics include history of special education, the Individuals with Disabilities Education Act (IDEA), free appropriate public education (FAPE), and least restrictive environments (LREs).

**Getting Started**

Welcome to Introduction to Special Education, Law and Legal Issues. This course provides the foundation on which you will build the remainder of your special education career here at Western Governors University (WGU).

There are many laws and regulations associated with special education; the key is to gain a fundamental understanding of all laws and regulations by experience and by learning where to find information specific to each disability and its related law and/or regulation.

Upon completion of this course, you will be able to explain the following:

- the history of special education;
- why the field exists separate from general education;
- where the field is going;
- how special education fits with general education;
- the Individuals with Disabilities Education Act (IDEA);
- the Every Student Succeeds Act (ESSA) (formerly known as No Child Left Behind Act);
• free, appropriate public education (FAPE); and
• Least Restrictive Environment (LRE).

You will demonstrate that you have achieved competence by completing both an objective assessment and a performance assessment.

Welcome Video

Watch the following video for an introduction to this course:

Note: To download this video, right-click the following link and choose "Save as...": download video.

Competencies

This course provides guidance to help you demonstrate the following 5 competencies:

• Competency 631.1.2: Special Education Law and Ethical Issues:

The graduate applies relevant state and federal laws, and legal and ethical considerations to situations involving the operation and management of special education programs in public and private schools, and issues pertinent to special education, such as the role of special education in general education, placement practices, and distinguishing procedural and substantive rights of children with disabling conditions, and can articulate recent decisions made in special education law as to the precedents set, and utilize the tools necessary to interpret the statutory and regulatory law pertaining to the various public laws.

• Competency 631.1.3: Policies and Procedures:

The graduate utilizes state statutes, policies and procedures, and the federal regulations of IDEA in professional and ethical practices, and applies theoretical constructs to special education in tracing the ways in which students with disabilities are served from pre-referral through post-secondary and community based options including screening, transition, and record maintenance.
• Competency 957.2.1 Understanding Exceptionalities:

The graduate uses understanding of development and individual differences to respond to the needs of individuals with exceptionalities and applies historical and philosophical foundations of special education in the identification of characteristics of students who manifest a wide range of mild/moderate disabling conditions requiring special education services, along with associated issues such as etiology, assessment, legal and ethical issues, programming options, terminology, and inclusionary practices.

• Competency 957.2.2 Legal and Societal Issues:

The graduate comprehends how philosophical, historical, and legal foundations of the special education field inform and influence the development of effective practice. The graduate regularly analyzes, evaluates, and synthesizes special educational practices to strengthen quality.

• Competency 957.2.3 Delivery of Services to Students with Disabilities:

The graduate applies knowledge of evidence based instructional strategies to adapt, select, and implement curriculum to advance the learning of individuals with exceptionalities and understand how exceptionalities may interact with development and learning and use this knowledge to provide meaningful and challenging learning experiences for individuals with exceptionalities.

Teaching Dispositions Statement

Please review the Statement of Teaching Dispositions.

Course Instructor Assistance

As you prepare to demonstrate competency in this subject, remember that course instructors can help you reach your educational goals. As subject matter experts, instructors enjoy and take pride in helping students become reflective learners, problem solvers, and critical thinkers. Course instructors are able to share tips on approaches, tools, and skills that can help you apply the content you are studying. If your first try on your assessment does not go well, course instructors act as a support system to help you prepare for another attempt. Course instructors are excited to hear from you and to work with you.

Preparing for Success

The information in this section is provided to detail the resources available for you to use as you
complete this course.

Learning Resources

The learning resources listed in this section are required to complete the activities in this course. For many resources, WGU has provided automatic access through the course. However, you may need to manually enroll in or acquire other resources independently. Read the full instructions provided to ensure that you have access to all of your resources in a timely manner.

In the following resources, you may read about No Child Left Behind (NCLB). Please be aware that as of December 2015, President Barack Obama replaced NCLB with the Every Student Succeeds Act (ESSA). This new act reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students. Although not required for this course, you are encouraged to familiarize yourself with the new act. For additional information, please visit the following links from the U.S. Government and the U.S. Department of Education:

- Webinar recording
- Fact sheet on ESSA

Enroll in Learning Resources

You will need to enroll in or subscribe to several learning resources as a part of this course.

Please access your Degree Plan and verify that you have access to the following learning resources. If you do not currently have access, please enroll or renew your enrollment at this time.

Note: For instructions on how to enroll or subscribe through your Degree Plan, please see the "Acquiring Your Learning Resources" document.

UwillTeach

The UwillTeach courses contain modules, quizzes, assessments, and directed questions to help you gain competency throughout the special education domain. Enroll for this resource through the "Learning Resources" tab. You will receive an e-mail from eLearning Creations that will have your login information. Keep this email since you may need it in the future for reference.

You will access material from the following courses:

- Course 1: "Foundations in Special Education"
- Course 2: "Development and Characteristics of Learners with Exceptional Learning Needs"
- Course 9: "Collaboration and Instructional Planning in the IEP Process"

Additional Online Learning Resources

The websites for the Center for Parent Information and Resources (Parent Center Hub) and the IRIS Center do not require registration. You may access these resources at any time.
Pacing Guide

The pacing guide suggests a weekly structure to pace your completion of learning activities. It is provided as a suggestion and does not represent a mandatory schedule. Follow the pacing guide carefully to complete the course in the suggested timeframe.

Week 1

- Overview of Special Education
- Child Find
- Roles and Responsibilities of Special Education Teachers

Week 2

- Characteristics of Students with Disabilities
- Special Education Process: Eligibility and Evaluation
- Least Restrictive Environment

Week 3

- Individual Education Programs
- Curriculum, Instruction, and Meeting Student Needs

Week 4

- Classroom Management
- IDEA Student Discipline

Week 5

- Due Process, Mediation Dispute Resolution, and Parental Rights and Partnerships
- Final Steps

Week 6

- Complete Performance Task on IEP Agenda and Collaboration

Note: This pacing guide does not replace the course. Please continue to refer to the course for a comprehensive list of the resources and activities.

Overview of Special Education

History has shaped the key principles of special education today. If you can understand where special education began, it will be much easier to see where it is going.

Historical Overview: Societal Issues, Historical issues, and Legal
History and Landmark Court Cases

Gaining an understanding of the different federal laws that impact citizens with disabilities helps create a holistic view of the responsibilities communities are charged with to ensure equal access for people with disabilities.

Federal laws that are considered "companion laws" to the Individuals with Disability Education Act (IDEA) are Section 504 of the Vocation Rehabilitation Act from the 1970s and the Americans with Disabilities Act (ADA) from the 1990s. These acts create an introduction to and the foundation of special education.

History of Special Education and Societal Issues

It is important for special educators to understand the legal history of special education, as this provides the background to special education practices today.

This understanding will help when working with federal and state mandates.

Walk through the following modules in Course 1: "Foundations in Special Education" on the UwillTeach website:

- Module 1: "Special Education as an Evolving Discipline: Influences of the Past"
  - Complete lessons 1, 2, and 3
  - Complete the multiple choice mini-assessments and score 80% or higher.

Pay close attention to the way society has viewed students with disabilities and special education. Also, learn how schools and communities have worked to integrate students with disabilities into the natural environment.

Legal History and Landmark Court Cases

The following legal cases were instrumental in the development of special education over time. Review them for a better understanding of how special education has evolved.

- Brown v. Board of Education of Topeka Kansas (1954)
- Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania (1971)
Top 10 Court Cases Prezi

Companion Laws

The Individuals with Disabilities Act (IDEA), Section 504 of The Vocational Rehabilitation Act of 1973, and The Americans with Disabilities Act of 1990 (ADA) represent attempts to improve the living conditions of those with disabilities. Please review the following chart:

- **Companion Laws Worksheet**

Want to test your companion law knowledge for the assessment? Check out this quiz. Score 80% or higher.

- **Which Legislation?**

Key Principles in Special Education

Complete the following in Course 1: "Foundations of Special Education" on the UwillTeach website:

  - Complete Lesson 2
  - Complete the multiple choice mini-assessment and score 80% or higher.

7 Major Principles of IDEA (15:07)

*Note: To download this video, right-click the following link and choose "Save as...": download video.*

Check Your Knowledge

Want to test your knowledge of the principles of zero reject, non-discriminatory evaluation, parent participation and teacher quality for the assessment? Check out this quiz.

- **Principles of Special Education in the Law, Part 1**

Introduction to Free and Appropriate Public Education (FAPE)
Complete the following in Course 9: "Collaboration and Instructional Planning in the IEP Process" on the UwillTeach website:

- Module 2: "Developing Standards Based IEP’s"
  - Complete Lesson 5
  - Complete the multiple choice mini-assessment and score 80% or higher.

Identify considerations that must be made when determining FAPE for students and what types of controversies exist around FAPE and why.

Look at how to meet FAPE through the use of special education processes and the IEPs.

**Defining FAPE**

Review the FAPE document and discussion on Parent Center Hub website.

You should fully understand FAPE in IDEA 2004 and how it has an impact on students with disabilities.

**Child Find**

Each state has an obligation to identify, locate, and evaluate all students entitled to special education. This Child Find mandate is an important element for identifying students with disabilities and preparing schools to provide education for them once they are eligible.

**Components of Child Find**

IDEA requires states to develop a continuous process for locating, identifying, and referring students with disabilities. This process must be comprehensive and geared toward students as early in life as possible.

Students who receive special services under Part C: "Early Intervention," or Part B: "3–21," must meet eligibility criteria according to federal law.

While schools are considered the primary providers or "lead agency" for students ages 3–21, states may coordinate with others to provide services for Part C: "Early Intervention."

**Locating and Identifying Students with Suspected Disabilities, Part C: Early Intervention**

Early Intervention, Part C of the federal law, IDEA, provides support for infants, toddlers, and preschoolers from birth through age 2.

Read through "Overview of Early Intervention" on the Parent Center Hub website and go to ISBE: Child Find Guide. Reading the section on effective practices for early intervention will give you a good foundation for understanding what types of interventions are currently taking place in the field of early childhood education.

**Child Find Overview (6:14)**
Roles and Responsibilities of Special Education Teachers

Teaching special education is often much different than teaching general education. Special educators are responsible for managing the special education process for the students who are assigned to them through their school. Duties of the special educator can change depending on the setting in which they teach.

Regardless of setting, there are traditional duties that most special education teachers are responsible to conduct. Among these are management of documents/paperwork and processes.

**Supervising Paraprofessionals**
Special educators design the instruction delivered by paraprofessionals, supervise the implementation of this instruction, and evaluate the progress towards IEP goals.

This work with paraprofessionals includes monitoring confidentiality, behavioral strategies, and planning for instruction on a regular basis.

Collaboration and Teacher Roles

Read through the following article and information briefs:

- "Improving Education: The Promise of Inclusive Schooling"
- "Effectively Utilizing and Supporting Paraprofessionals"

As you read through these documents, identify areas of responsibility that overlap between general education teachers and special education teachers. Thinking like a special education teacher will help you to visualize how these similarities and differences will manifest themselves in a classroom setting.

Characteristics of Students with Disabilities
Special education teachers are often called upon to act as consultants to general education teachers and others who are working with students with special needs. A thorough understanding of mild disabilities enables you to become not only a highly qualified teacher but also one who parents and colleagues feel confident in approaching for help and information related to disabilities.

**Characteristics of Students: Cross Categorical**

As you interact with and speak about students with special needs, it is imperative to see them first as individuals and then as individuals with traits that cause disabilities.

As you practice using the skills and language that emphasize this, you will be recognized as a knowledgeable and respected educator others will come to for assistance with their own students.

**Students with Specific Disabilities**

Understanding different disabilities is essential to special education. IDEA outlines different eligibility categories; these are broad categories encompassing many different disabilities.

Learning about how these disabilities impact students at home, school, and in society will assist you in determining what special education services may be necessary to consider.

Complete the following from Course 2: " Development and Characteristics of Students with Disabilities" on the UwillTeach website:

- Module 1: "Who Are the Students with Disabilities You Likely Teach Each Day"
- Module 2: "Who Are the Students with Disabilities You Might Teach Each Day"
  - Complete lessons 1, 2, 3, and 4 in both modules.

**Check Your Knowledge**

Want to test your knowledge of the characteristics of students with special needs for the assessment? Check out this quiz.

- Characteristics

**Cross Categorical (9:56)**

*Note: To download this video, right-click the following link and choose "Save as...":* [download video](#).

Pay close attention to definitions, causes, prevalence, and outcomes for each disability.
On the Parent Center Hub website, review the following web page for additional details:

- "Disabilities"

Review the following document located in the Course Knowledge Base

- IDEA 13 Disability Categories

### Special Education Process: Eligibility and Evaluation

Learning about and understanding the special education referral and evaluation process is essential to becoming a special education teacher. Evaluation determines eligibility for special education services, provides the foundation for the IEP, and helps identify instructional, curriculum, and assessment strategies for students.

#### Special Education Eligibility Process

In order to fully understand the evaluation process, you will need to understand the roles of the student study team (SST) (labeled differently for different schools, but serves important purpose), school psychologist, regular education teacher, and special education teacher, related services providers, and state and district personnel.

#### Disproportionality and Overrepresentation of Minorities in Special Education

Consider your own experiences serving students with diverse backgrounds.

On the NCCREST website, read the following information brief:

- "Disproportionate Representation of Culturally and Linguistically Diverse Students in Special Education: Measuring the Problem"

### Evaluation and Eligibility Procedures

When children have difficulty progressing in the general education environment and appear to struggle, the possibility exists that they may have a disability. The following information located on the Parent Center Hub and RTI Network websites review the evaluation process mandated by IDEA.

This evaluation process is intended to determine if, indeed, there is a disability affecting a child's school progress and, if so, whether the child needs special education and related services.

- "10 Basic Steps in Special Education"
- "Key Terms in Special Education"
- RTI-Based SLD Identification Toolkit
- RTI-Based Specific Learning Disability Determination Worksheet
Draw a flow chart that illustrates the SPED eligibility process. Check against the instructor’s version below: Special Education Process Doc located in the Course Knowledge Base (use the Course Search feature on the COS to locate this document).

Want to test your knowledge of the special education referral process for the assessment? Check out this quiz.

- **Special Education Referral Process**

### Least Restrictive Environment

In order to meet the legal requirements for Least Restrictive Environment (LRE), after determining that a student is eligible for special education services through the use of an evaluation, the team must determine what services are needed and where they will be provided. This is determined during the IEP meeting. The parents must be part of this decision. Read the following resource from Parent Hub.

- **Starter Set of Resources on LRE**

### Determining Least Restrictive Environment (LRE)

There are many things that must be considered when determining the least restrictive environment. Among these are services needed, impact of placement on student and others, supports that may be necessary to ensure benefit, and participation in assessments.

#### Considerations for LRE Determination

On the Parent Center Hub website review the following:

- "**Placement Short-and-Sweet**"

Pay close attention to the following:

- Considerations in determining LRE
- Types of supports needed for students to excel
- Program modifications and supports for school personnel

### Teaching Students in an Inclusive Classroom

Read through the IRIS modules to learn more about the differences between inclusion and the traditional classroom. Inclusion is a movement designed to bring special education services into the general education classroom.

- "**What is Inclusion?**" Pages 1-3
  - How does inclusion differ from traditional instruction?

### Individual Education Programs

Tremendous changes have occurred over the past decade in the provision of services to students with disabilities. Federal mandates define requirements for free, appropriate public
education in the least restrictive environment.

**Special Education IEP Process**

When the referral process evaluation leads to the conclusion that the student needs to receive special needs resources, the development of an IEP will take place.

Beginning with evaluation, the team then moves to develop an IEP and determines placement for services. After the IEP document is developed, services begin, as does progress monitoring, which will lead to more evaluation data to develop the next IEP.

This cyclical process is called the IEP process. Special educators must understand that IEP is both a process and a document.

The IEP document determines what services will be provided where the services will be provided, and how those services will be measured and then reported to parents.

**IEP Document: Contents of IEP**

Access the Parent Center Hub website and review the information provided in the links on the "Contents of the IEP" page:

- "All About the IEP"

Try to visualize students who may need these services and what planning might need to be done prior to the IEP meeting to meet these considerations.

**Curriculum, Instruction, and Meeting Student Needs**

During the development of an IEP, required services are identified. The type of services a student receives depends on the evaluation data. Thus services that are provided may vary from student to student.

Special educators need to identify the best instructional and curricular materials for each student, as well as when and why those services must be delivered.

**Adaptations, Accommodations, Modifications, and Specially Designed Instruction**

To be successful and make progress in the general education curriculum, students with special needs require adaptations, accommodations, modifications, and specially designed instruction. These terms seem similar, and they are, but there are significant distinctions among them.

- Access the Parent Center Hub website and review the information provided in the links
Complete the following module in Course 2: "Characteristics of Students with Disabilities" of UwillTeach:

- Module 3: "Individuals with Disabilities: Learning and Instructional Implications"
  - Complete lessons 1, 2, and 3
  - Complete the multiple choice mini-assessments and score 80% or higher.

**Classroom Management**

All children function more effectively under the right set of rules, procedures, and consistent consequences, despite there being certain limits to functioning, such as temperamental or emotional influences related to ADHD or depression.

Managing and enforcing consequences plays a major role in the education of all students, not just students receiving special education services.

**Behavioral Management Principles**

Managing behavior means that you must develop rules and procedures that assist in creating an environment of student support. You must also have clear expectations about your limits—managing yourself is also part of being an effective teacher.

Managing yourself means being consistent, following through, and maintaining a professional attitude in spite of all that is going on around you.

**Behavior Management Principles**

Pay close attention to instructional strategies and behavioral management strategies that will assist in managing students with specific disabilities.

**Positive Behavior Supports**

Access the Parent Center Hub website and read through the following page:

- "Behavior Assessment, Plans, and Positive Supports"

**IDEA Student Discipline**

Discipline for students with disabilities can be tricky. The law is clear and contains provisions protecting students with disabilities from unjust disciplinary actions, including the loss of special education services. Having a thorough understanding of the regulations and practices in special
education is imperative.

**General Guidelines**
Schools must consider the following when disciplining students with disabilities:

- Eligibility for the protections
- Type of offense committed
- Disciplinary actions previously implemented
- The need for a manifestation determination
- Whether service continuation is required

**IDEA Discipline Guidelines**

Access the Parent Center Hub website and review the following page:

- "Discipline, in Detail"

**Due Process, Mediation Dispute Resolution, and Parental Rights and Partnerships**

In this section, you will learn what triggers due process, what the procedural safeguards are, and when parents must be informed of their rights.

Additionally, you will learn some ways to avoid due-process issues, how to handle mediation, and how to meet both legal and ethical obligations of the IEP process.

**Procedural Safeguards and Working with Parents**

Special education regulations require that parents/guardians be allowed the opportunity to be active participants in the IEP process and have the responsibility to accept or deny consent for special education services for their child.

**Procedural Safeguards: Understanding Due Process**

Access the Parent Center Hub website and work through the following on the Theme E: Procedural Safeguards:

- Module 17: "Introduction to Procedural Safeguards"
- Module 18: "Options for Dispute Resolution"
• Module 19: "Key Issues in Discipline"

Review the information related to prior written notice, informed written consent, and access to records—just a few of the critical safeguards in IDEA for families and schools.

Review Procedural Safeguards: Resolution Meetings and Due Process Hearings located in the Course Knowledge Base (use the Course Search feature on the COS to locate this document).

Also do an internet search for the special education due process in your state. As you research, keep in mind how this impacts your work with special education students.

Check Your Knowledge

Want to test your knowledge of appropriate education in Special Education Law, least restrictive environment, and due process for the assessment? Check out this quiz.

• Principles of Special Education in the Law, Part 2

Building Family Partnerships

The parent professional partnership is critical in meeting the needs of a child with a disability. When schools and families work together to support learning, everyone benefits.

Read the following IRIS Module:

• "Communication with Parents"

Final Steps

Congratulations on completing the activities in this course! This course has prepared you to complete the assessments associated with this course. If you have not already been directed to complete the assessments, schedule and complete your assessments now.

Performance Assessment

Complete the following in Taskstream:

• IEP Agenda and Collaboration

For details about this performance assessment, see the "Assessment" tab in this course.