

LW 600/610: Sem. Disability Law

Syllabus

University of Oregon School of Law

Spring Semester, 2009

Adj. Instr.: Heidi von Ravensberg

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CRN: 20301/60450

Time and Location: 4:30PM-6:20PM Wednesdays, Knight Law Center 282

Credits: 2 semester credits. (equivalent to 3 quarter credits.)

Office Hours:

By appointment in:

Knight Law Center 409F, or

Clinical Services Bldg. 05.

Course Description

A growing movement in Disability Studies, disability rights, self advocacy by persons with disabilities and parent advocacy for their children with disabilities in education is contributing to broad and significant developments in the law impacting the training and practices of attorneys and educators.

This combined course is open to law students and doctoral level education students. It is anticipated that law students as well as College of Education students in the Ed. Leadership, Special Education, School Psychology, Counseling Psychology and Human Services programs will benefit from the curriculum.

Students in this course will come together in a pre-practice environment to receive training in the nuances of disability law, including gaining an understanding of the historical and social shifts in the construction of disability and gaining a broad understanding of the types of barriers to access and the nondiscrimination laws that impact the lives of persons with disabilities across the lifespan. Topics will include K-12 and higher education, transition to work, employment discrimination, independent living, and fair housing, access to government programs and services, and mediation.

This course provides students with knowledge of current case law and legislation, sensitivity to legal issues, and application of legal principles related to disability law. Guest speakers will come throughout the semester to present on various topics.

There are no prerequisites, and there will be a final examination.

Required Readings

- Case Book: Rothstein, Laura F. Disability Law: Cases, Materials, Problems. Fourth Edition, 2006.
- Supplement: This case book includes a supplement with statutes and regulations.
- 2008 Update: The 2008 Update to the case book. Online at <http://www.lexisnexis.com/lawschool/study/texts/pdf/Rothstein%202008%20Update.pdf>
- U.S. Constitution and Fourteenth Amendment. Online at <http://www.gpoaccess.gov/constitution/pdf2002/006-Constitution.pdf> and <http://www.gpoaccess.gov/constitution/pdf2002/007.pdf>.
- Additional readings available online.

Recommended Readings

It is highly recommended that students brief the assigned cases. Briefing will help you read the cases more effectively and be better prepared in class to discuss and present them. To learn about the practice of briefing cases and how to brief a case, students will want to read:

- Ten Instructions for Briefing Cases, by Prof. Glesner Fine. Online at: <http://www.law.umkc.edu/faculty/profiles/glesnerfines/bateman.htm>

Documented Disability

Appropriate accommodations will be provided for students with documented disabilities. If you have a documented disability and require accommodation, arrange to meet with the course instructor within the first two weeks of the term. The documentation of your disability must come in writing from the Disability Services in the Office of Academic Advising and Student Services. Disabilities may include (but are not limited to) neurological impairment, orthopedic impairment, traumatic brain injury, visual impairment, chronic medical conditions, emotional/psychological disabilities, hearing impairment, and learning disabilities. For more information on Disability Services, please see <http://ds.uoregon.edu/>.

Grading

The grade for this course is based on the final examination and accumulated points for the participation exercises -- in the form of emailing the instructor responses to questions posed in class.

Final Exam

Eighty percent (80%) of your grade for this course will be based on the final exam. It will be graded anonymously. The exam will be a four-hour open-book open-note exam with short questions and essay answers. Your answers must be word processed in MS-Word or text format. Handwritten answers will not be accepted. You will have the option of doing your exam at the law school or at home.

While I am allowing four hours for the exam, this is a universal design feature and I anticipate that students will be able to complete the exam in about two hours.

Participation Points

The participation points will constitute 20% of your grade. The purpose of the participation exercise is to encourage you to come to class and to discuss topics with your classmates. How it works is that 1) a question will be given each class (for a total of 14 questions), 2) you must email your response to me at hvr@uoregon.edu by Noon of the following week (the deadline), 3) to receive full credit, you must email a response to 10 of the questions by the deadline. That means that you can skip any 4 of the questions. Responses received after the Noon deadline will be worth 50% and responses received after the start of class will not be accepted.

Course Summary

Of the 14 sessions that comprise this course, the first three will discuss the historical changes in the social and legal constructions of disability and an overview of the impact Disability Studies and the disability rights movement has had on the law. The next class will focus on newborns and reasonable accommodations in health care, the next four classes will examine the k-12 and higher education settings with an emphasis on the federal system, barriers faced by students with disabilities, , the development of their legal rights to access, application of current laws and the growing use of mediation in settling disputes. The next five classes will examine access to public accommodations, governmental services and programs, employment, fair housing and independent living. We will review for the final exam in the last class.

Week-by-Week Syllabus

Week 1 (Jan. 14) Introduction and overview: Stereotypes and the Disability Rights Movement

Readings:

- Case Book: Ch. 1.

Guest: Prof. Deborah Olson, Ph.D., Special Education.

Week 2 (Jan. 21) Who is Protected Under the Laws?

Readings:

- U.S. Constitution and Fourteenth Amendment (online at);
- Case book: Ch. 2 pp. 25-52 (up to section C.2.);
- 2008 Update: Ch 2 pp. 1—3.

Guest: Stephanie Midkiff, UO Law Ref. Librarian.

Week 3 (Jan. 28) Who is Covered Under the Laws?

Readings:

- Case Book: Ch. 2 pp. 52-82.

Week 4 (Feb. 4) Health Care: Newborns and Reasonable Accommodations

Readings:

- Case Book: Ch. 9 pp. 597-620 and 625-633;
- Supplement: Rehab. Act Secs 706 and 794, and Model Regulations Implementing Section 504 of the Rehab. Act Subpart F; ADA Secs. 12101 and 12102 and ADA Title III Sec. 12182.

Guest: Susana Ramírez Disability Advocate, Disability Rights Oregon.

Week 5 (Feb. 11) Education: Individuals with Disabilities Education Act (IDEA)

Readings:

- Case Book: Ch. 7 pp. 457-487;
- 2008 Update: sections relevant to today's reading;
- Supplement: IDEA secs. 1400, 1401, 1403, 1412 and 1414.

Week 6 (Feb. 18) Education: IDEA cont'd

Readings:

Case Book: Ch. 7 pp. 487-515;

- 2008 Update: sections relevant to today's reading;
- von Ravensberg, Heidi & Tobin, Tary J. IDEA 2004: Final Regulations and the Reauthorized Functional Behavioral Assessment. June 25, 2008. Online at

<http://ssrn.com/abstract=1151394>

- Supplement: IDEA Sec. 1415(a)-(l).

Week 7 (Feb. 25) Education: Sec. 504 and ADA Actions

Readings:

- Case Book: Ch. 7 pp. 515-532 and 538-540;
- 2008 Update: sections relevant to today's reading;
- Supplement: Rehab. Act Secs. 706 and 794; Model Regulations Implementing Sec. 504 of the Rehab. Act Subpart A (Secs. 104.1-104.5), Subpart C, Subpart D (Secs. 104.31-104.37); ADA Secs. 12101-12102 and Title I (Secs. 12131-12132).

Week 8 (March 4) Higher Education

Readings:

- Case Book: Ch. 6 pp. 367-369, 392-404, 405, 415, 421-429, 430-437;
- 2008 Update: sections relevant to today's reading.
- Supplement: Rehab. Act ; Model Regs. Implementing Sec. 504 of the Rehab. Act Subpart E; ADA.

Week 9 (March 11) Public Accommodations

Readings:

- Case Book: Ch. 4 pp. 207-208, 216-223, 244-252, 258-267, 270-281;
 - 2008 Update: section relevant to today's reading;
 - Supplement: ADA Title III (Sec. 12182); regulations implementing ADA Title III Subpart A (36.104) Subpart C (36.304).
- Guest: Hilary Gerdes, Sr. Dir. UO Disability Services.

Week 10 (March 18) Governmental Services and Programs

Readings:

- Case Book: Ch. 5 pp. 295, 315-327, 343-349;
- 2008 Update: sections relevant to today's reading;
- Supplement: ADA Title II (12131 and 12132), regulations implementing ADA Title II (35.101-35.104).

Spring Break (March 23-27)

Week 11 (Apr. 1) Employment

Readings:

- Case Book: Ch. 3 pp. 83-96 (excluding problems on 89),
- Supplement: ADA Title I and regulations implementing Title I; Rehab. Act Secs. 706, 791, 793, 794; Model Regulations Implementing Sec. 504 of the Rehab. Act Subpart B.

Week 12 (Apr. 8) Employment

Readings:

- Case Book: Ch. 3 pp. 96-128.

Week 13 (Apr. 15) Housing and Independent Living

Reading:

- Case Book: Ch. 8 pp. 541-551 (do not read the Shapiro case), 559-565, 575-594;
- Supplement: Fair Housing Act.

Week 14 (April 22) Review

Last day of law classes: April 27)

Law Exams: April 29 – May 15

Watch for the exam schedule which will be posted during the 2nd or 3rd week of the semester.