Education Law Clinic
Spring Semester 2012
Syllabus

Lilian Ejebe
Supervising Attorney
Education Law Advocacy Project
Southern MN Regional Legal Services
651.894.6861
lilian.ejebe@smrls.org

Atlee Reilly
Associate Attorney
School Law Center, LLC.
651.222.6288
areilly@schoollawcenter.com

Course Description: This clinic offers students the opportunity to both study education law and represent low-income clients at the Southern Minnesota Regional Legal Services office in St. Paul.

Course Time and Location: We will meet on Tuesdays from 2:00-3:50 PM. **NOTE:** Classes will take place at the offices of the Education Law Advocacy Project. The office is located approximately 1 mile from Hamline University, at **450 N. Syndicate Street, Suite 285**. This is in the Bigelow building, off University, between Snelling and Lexington (next to Super Target).

Course Objectives: Clinic students will:

1. Gain substantive knowledge of education law relevant to low-income families;
2. Practice legal skills, including client interviewing, fact investigation, case management and advocacy in formal and informal settings; and
3. Engage in identifying and using legal and practical problem-solving strategies.

Readings: Specific assignments related to the readings will be distributed on an ongoing basis, and may vary student to student as the classroom component will encourage students to learn from each other. Reading materials and suggested internet based resources will be posted on the Education Law Clinic TWEN web site. A password will be provided by email prior to the first class.

Required Text: The School to Prison Pipeline: Structuring Legal Reform, Catherine Y. Kim, Daniel J. Losen, and Damon T. Hewitt, New York University Press (2010).

Attendance Policy: This is a small class, and attendance is critical. More than one absence without a significant reason, discussed in advance, will negatively impact your grade. In addition to classroom attendance, students are expected to attend scheduled meetings with clients either at the office or at clients' schools.

Laptop Policy: Do not use your computer in a way that will distract others.

Course Requirements and Grading: Students will be expected to complete **70 hours of clinical work** on behalf of clients. This could include research, interviewing, investigation, outreach, community education, and direct advocacy on behalf of students and their families. Student grades are based on: (1) weekly classroom attendance and participation, including weekly assignments (50%); and (2) satisfactory completion of the clinical component (50%). There will be no exam.

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Course Overview

Week 1 (January 17)
Course Introduction: Course requirements, Education Law Overview

Before class:
Read Documents Posted on TWEN under Week 1 (Course Introduction)
Complete Clinic Student Information Form (on TWEN)
Read The School to Prison Pipeline, pages 1-33

Week 2 (January 24)
Course Introduction (cont.): SMRLS policies, expectations
Representing Children and Families: Professional Responsibility, Client Interviewing/Counseling
Skills Focus – Interviewing and Counseling

Before class:
Read documents posted on TWEN under Week 2 (SMRLS Policies and Practice Standards, Interviewing skills and questions)

Week 3 (January 31)
Rights of Students with Disabilities: Overview of IDEA and Section 504
Skills Focus - Legal Research

Before class:
Read The School to Prison Pipeline, pages 51-77
Board of Educ. of Hendrick Hudson Central School Dist. v. Rowley, 458 U.S. 176 (1982)
Read documents posted on TWEN under Week 3 (IDEA overview, 504 materials)

Week 4 (February 7)
Special Education: Assessment and Eligibility
Skills Focus – Issue Spotting
Guest Speaker: TBD

Before class:
Read documents posted on TWEN under Week 4 (Federal regulations and state rules)
Review sample Evaluation Summary Reports (distributed in class on 1/31)
Prepare for eligibility activity and discussion.

Week 5 (February 14)
Special Education: Individualized Education Program and Substantive Requirements
Skills Focus – Advocacy and Negotiation

Before class:
Read documents posted on TWEN under Week 5
Independent School Dist. No. 284 v. A.C., 258 F.3d 769 (8th Cir. 2001)
C.B. v. Special School District No. 1, 636 F.3d 981 (8th Cir.2011)
K.E. v. Independent School Dist. No. 15, 647 F.3d 795 (8th Cir. 2011)
Review sample IEP on TWEN and prepare for mock IEP meeting

Week 6 (February 21)
Special Education: Least Restrictive Environment and Discipline
Skills Focus – Advocacy and Negotiation

Before class:
Read documents posted on TWEN under Week 6 (federal regulations and PACER materials)
Honig v. Doe, 484 U.S. 305 (1988)
Light v. Parkway C-2 Sch., 41 F.3d 1223 (8th Cir. 1994)
Minnesota Department of Education Complaint File #11-003C (on TWEN)
Review sample student discipline record and prepare for mock Manifestation Determination

Optional Reading:
Roncker v. Walter, 700 F.2d 1058, 1063 (6th Cir. 1983)
Oberti v. Clementon Sch. Dist., 995 F.2d 1204 (3rd Cir. 1993)

Week 7 (February 28)
Special Education: Procedural Safeguards and Dispute Resolution
Skills Focus – Critical Thinking and Problem Solving

Before class:
Read documents posted on TWEN under Week 7 (federal regulations, Letter to Goetz)
C.N. v. Independent School Dist. No. 347, 591 F.3d 624 (8th Cir. 2010).
Forest Grove School Dist. v. T.A., 557 U.S. 230 (2009)

Optional Reading:
Sch. Committee of Town of Burlington, Mass. v. Dept. of Educ. of Mass., 471 U.S. 359 (1985)
Arlington Cent. Sch. Dist. v. Murphy, 548 U.S. 291 (2006)

SPRING BREAK, No Class (March 6)

Week 8 (March 13)
Student Discipline: Suspensions and Expulsions
Skills Focus - Issue Spotting

Before class:
Read The School to Prison Pipeline, pages 78-111
Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 – 121A.56 (on TWEN)
Goss v. Lopez, 419 US 565 (1975)
Expulsion of N.Y.B., 750 N.W.2d 318 (Minn. App. 2008)

Week 9 (March 20)
Student Discipline: Mock Expulsion Exercises
Skills Focus – Oral Argument and Advocacy

Before class:
Read Expulsion Hearing Preparation materials (on TWEN) and prepare for Mock Expulsion

Week 10, (March 27)
Rights of English Language Learners: Title VI and the Equal Educational Opportunity Act

Before class:
Read documents posted on TWEN under Week 10 (OCR Guidance, Complaint and EEOA text)
Lau v. Nichols, 414 U.S. 563 (1974)
Plyler v. Doe, 457 U.S. 202 (1987)

Optional Reading
Horne v. Flores, 129 S.Ct 2579 (2009)
Castaneda v. Pickard, 648 F.2d 989, 1009 (5th Cir. 1981)

Week 11 (April 3)
Discrimination, Harassment, and Bullying: Title VI, Title IX, the Minnesota Human Rights Act, and tort liability in schools.
Guest Speaker: TBD

Before class:
Read documents posted on TWEN under Week 11 (OCR letter, MinnPost, bullying report)
Read The School to Prison Pipeline, pages 34-50

Week 12 (April 10)
Juvenile Court Advocacy and the "School to Prison Pipeline"
Skills Focus – Critical Thinking and Problem Solving

Before class:
Read The School to Prison Pipeline, pages 112-146
Read documents posted on TWEN under Week 12

Week 13 (April 17) and Week 14 (April 24)
Additional Topics in Education Law (student presentations)
Wrap Up, Case Closing and Transfer

Before class:
Prepare for presentation. Topics will be assigned on March 13.

No Class (May 1) – Friday classes meet this day.