

**DISABILITY LAW**  
**Professor Anderson**  
**Spring 2018**

**Office:** 218   **Phone:** 453-5634   **E-Mail:** cheryla@siu.edu  
**Office Hours:** Tuesday/Thursday 1:30-2:30 p.m. and whenever office door is open

**SYLLABUS**

Welcome! I hope we have an interesting and engaging semester. The course will examine the law of disability discrimination, primarily based upon the Americans with Disabilities Act but with attention to other federal anti-discrimination laws as they apply to private business, educational institutions, and governmental entities.

**TEXTS**

Ruth Colker & Paul D. Grossman, *The Law of Disability Discrimination (8th ed.)*

*The Law of Disability Discrimination Handbook: Statutes and Regulatory Guidance (8th ed.)*

Bring your Text and Handbook to class every day.

**LEARNING OBJECTIVES**

After completing this course, a student should:

- Be familiar with the structure and interpretation of the Americans with Disabilities Act, including its specific provisions prohibiting discrimination in employment; government services, programs and activities; places of public accommodation and commercial facilities; and education;
- Be familiar with the basic structure of the Individuals with Disabilities Education Act and how it varies from the ADA;
- Understand the statutory definition of “disability”;
- Understand the reasonable accommodation proof model and relevant defenses;
- Be able to locate and interpret relevant statutory and regulatory sources as well as case law to evaluate disability discrimination issues and advise clients;
- Be able to prepare well-organized, clearly written legal analysis of specific disability discrimination issues that may arise in advising clients; and
- Have identified a challenging thesis on a current issue regarding disability discrimination law; conducted thorough research of that issue; produced a well organized, thorough, and clearly written legal analysis proving the student’s thesis; and defended that thesis through a presentation to other members of the class.

## COURSE REQUIREMENTS

This is an elective class that has been designated as satisfying the Senior Writing Requirement. Students in the course are required to complete two short writing projects and one longer research paper that is submitted in steps. At the end of the semester, students will also be required to conduct an abbreviated class session on the topic of their research paper and review and comment on their peers' papers. Student work must be original and timely. No collaboration of any kind is permitted on the two short writing projects. Collaboration on the longer research paper is permitted only to the extent of participating in the presentation process.

### Writing Projects

The first writing project is a closed case file assignment based on a fact pattern and case materials that students will be provided. This paper will be no less than five and no more than ten double spaced pages in length. The second writing project will be a research project on a topic provided to the students. The details on this project will be provided when it is assigned but it will be an open research project based on a specific prompt, of similar length to the first project. The due date for each paper is listed on the attached calendar.

The third project is an open research paper that requires students to select a current topic in controversy regarding an issue of disability law, articulate an original thesis on that topic, and prepare a paper proving the thesis that is of publishable quality. This means that the topic must be thoroughly researched and the paper well organized, comprehensive, and properly cited throughout. This paper will be no less than 20 and no more than 30 double-spaced pages in length, including footnotes.

***Thesis approval:*** Your thesis topic must be approved no later than March 6th.

***Thesis outline:*** A thesis outline of the selected paper topic is due at the start of class on March 18th. The outline should specifically identify the topic selected in the form of a thesis (defined as "a proposition to be defended in an argument") and break down that thesis into the particular subtopics that will be addressed, each stated with particularity and with primary supporting authority. There will be an example posted on TWEN.

***First Draft:*** A first draft of the paper is due at the beginning of class on April 3rd. Although called a "first draft," the paper should be in a form suitable to be graded for both form and content. One copy of the draft must be turned in for comment by the professor. Each student shall also post her or his paper in the Papers forum of the Disability Law course on TWEN. The posted papers are to be reviewed (with written comments) by other members of the class in advance of the class presentation described below.

***Conference:*** After the student's first draft and presentation (see below) are completed, each student is required to attend a twenty minute conference with the professor to discuss the development of the research paper topic and progress of the paper.

**Final Draft:** The final draft is due at 3:00 p.m. on the date that is two weeks after the student's presentation. At that time, the student must turn in one copy of the final draft along with the copy of the first draft with the professor's comments on it.

Each of the above steps in preparing the research paper are requirements of the course and failure to complete them may result in a failing grade.

On all projects, type should be 12 point (including footnotes), double spaced (excluding footnotes), with 1" margins on all sides and page numbers at bottom center. In the research paper, footnotes should be used. For all other assignments, use standard practitioner citation format, either Bluebook or ALWD. Consult the individual assignment memo for more format rules.

### **Class Presentation**

Each student will conduct an abbreviated (about 20 minutes + 5-10 minutes of questions) class session on the topic addressed in the third paper. The class session should briefly present your thesis and your supporting proof of that thesis. At least two discussion points should be identified for consideration by the class. Additional information will be provided on this later in the semester.

### **GRADE**

Points will be allocated based on the following class projects:

Closed case file paper	15 points
Assigned research paper	21 points
Detailed Thesis Outline	7 points
Open research paper	47 points
Class presentation	10 points
<b>Total</b>	<b>100 points</b>

Any unexcused late assignments will result in a .1 grade point deduction for the semester for each late assignment on the day it is due until 4:30 p.m., and a .3 grade point deduction if turned in after that time. No unexcused late assignments will be accepted more than 24 hours beyond the due date and time, which could result in a failing grade in the course. A student who misses a class presentation day (his or her own or any other classmate's) without my prior approval or who fails to adequately prepare for and participate in their peers' presentations will receive a .2 grade point reduction for the semester for each such failure. Completion of all class projects (including drafts and peer comment worksheets) is required for a passing grade in the course.

### **PROFESSIONALISM POINTS**

Everyone will start the semester with five points. One point will be deducted for any of the following each time they occur, up to the total of five: a) arriving late for class without prior permission, which will be granted only in limited circumstances; b) leaving the classroom during

the class session without prior permission, which will be granted only in limited circumstances or as a legally required accommodation; c) unauthorized use of computers or cell phones during class; d) being unprepared for class, as demonstrated according to my judgment by your inability to discuss the material at a level of someone who has made a good faith, reasonable effort to critically read the assigned materials and prepare the posted Study Questions for the assigned material. This list of unprofessional conduct may be amended as the semester proceeds.

## **READING ASSIGNMENTS**

Because the schedule is relatively complicated, I have set out the class session dates and reading assignments in the attached calendar pages. We will follow Section 5(d)(1) of the Rules of the School of Law Article III as it pertains to senior seminars and designated elective courses, which provides that we must meet on a regular basis but may forgo some class meetings while you work on projects. In order to allow for that release time, I have heavily front-loaded the reading assignments. The dates of the reading assignments are tentative and will depend on how the course proceeds. I may institute additional requirements for these assignments if necessary to prompt better preparation and attendance.

**For each class, there will be a set of study questions posted on TWEN.** Your preparation should include your ability to respond to these questions if called upon in class.

## **ATTENDANCE AND CLASS RECORDING POLICY:**

Attendance will be kept and administered according to the SIU School of Law Academic Regulations, as amended through the current semester. Because of the limited number of class meetings, no more than **four (4)** classes may be missed or “noted out” by the student, and those classes cannot include class presentation days without my prior approval. Each student is required to sign an attendance sheet for each class meeting. The attendance sheet will be circulated at the beginning of class and then collected. No one shall sign the attendance sheet once it is collected by the professor. Please note that signing someone else’s name to an attendance sheet or signing the sheet after it has been collected will be considered honor code violations and treated accordingly. Attendance also includes preparation. Do not sign the sheet if you are not prepared.

I define “prepared” to mean you have carefully read the materials to be discussed in class (including the study questions posted on TWEN) and are ready to engage in discussion about them. Of course, you may not be able to answer every question you are asked, but you will be expected to be able to make a reasonable effort. You may read ahead, but be aware that I consider the response, “I read it but I don’t really remember it” to be the equivalent of not having prepared it at all. If you read ahead, you should review the materials shortly before class to refresh yourself on them. **Signing the attendance sheet is your representation that you are prepared.**

Our class sessions may be recorded; however, the recordings will be made available with my permission only. I will grant permission to view the recording in only limited circumstances, such as an ADA accommodation approved by the Associate Dean’s office; a Legal Clinic, Moot

Court, or Trial team conflict; or a medical emergency. Absences for those reasons may potentially be made up upon fulfilling additional requirements that I will set. Otherwise, no absences will be excused; the expectation is you will use your allowed absences for commonly occurring reasons. All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

It will be your responsibility to keep track of your absences and you will not receive reminders concerning the number of absences you have incurred, nor should you expect my assistant to remind you of your attendance record. Attendance sheets will be kept until the end of the semester for purposes of verifying any discrepancy in your absence record, and you may contact my assistant to allow you to review those sheets.

**Please note: Once class has started, you are expected to remain in the classroom unless there is an emergency or you have been granted an accommodation. Having to use the restroom is not an emergency unless you are ill. Leaving class in-session without permission will be counted as an absence and may result in denial of re-entry into the classroom for the rest of the class session.**

## **COMPUTER AND CELLPHONE POLICY**

Computers in whatever form are permitted in class for note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the Disability Law TWEN pages, and when you are explicitly instructed that you may use your computer for a class activity. You may **not** use your computer for any other activity, including but not limited to surfing the web, using social networking, checking or sending email, and reading or sending instant or text messages. Any student using a computer for an impermissible purpose during class will be marked absent for that class session and will lose a professionalism point, and may have his or her computer privileges suspended for the remainder of the semester.

Cell phones should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer. You may additionally be asked to check your phone at the podium if you violate this rule.

If you have any questions about what is permissible and what is not, ask in advance and do not assume.

Required syllabus addendums:

*Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.*

*Saluki Cares: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618-453-3135.*

*Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.*

*Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>January 2019</h1>						
		1	2	3	4	5
6	7 <b>Legend:</b> <b>Text = Colker casebook</b> <b>HB = Statutory Supplement</b>	8	9	10	11	12
13	14 Text 1- top of p. 35; HB 42 USC § 12101, 29 CFR § 1630.2(a)-(I), & pp.90-9717	15	16 Text 35-58 HB 29 CFR § 1630.2(j)-(l); appx sections set out in study questions	17	18	19
20	21	22	23 Text 59-68; 74-88 HB 42 USC 12111(5), (8)-(9); CFR 1630.2(m)-(n), 1630.4, 1630.9	24	25	26
27	28 Text 88-103; 116-123; CFR 1630.15, 1630.16; HB p. 127 (reassignment)	29	30  Text 136-65	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>February 2019</h1>						
					1	2
3	4 <b>First paper due;</b> class discussion of topic; catch up	5	6 Text 303-349	7	8	9
10	11 Text 351-380; skim TIII regulations and analysis re: topics in reading.	12	13  Text 380-388; 404-410; 167-183; TIII ADAAD § 36.403	14	15	16
17	18  Text 211-218; 228-252	19	20 TBA	21	22	23
24	25 <b>Second paper due;</b> thesis development and writing techniques; assignment	26	27  Text 267-96	28		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>March 2019</h1>					1	2
3	4 Text 475-501	5	6 <b><u>Thesis must be approved;</u></b> Text 504-519	7	8	9
10	11 Spring	12	13 Break	14	15	16
17	18 <b><u>Thesis outline due;</u></b> Text 528-48; 388-400	19	20 Text 413-38; 444-451; skim IDEA §§1400, 1401(3), 1414(d), 1415	21	22	23
24	25 <b>No class</b>	26	27 <b>No class</b>	28	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>April 2019</h1>						
	1 <b>No class</b>	2	3 <b>First draft due;</b> brief class meeting	4	5	6
7	8 <b>Presentations and conferences rest of semester</b>	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				