

**SOUTHERN ILLINOIS UNIVERSITY
LAW SCHOOL
DISABILITY LAW – SYLLABUS
SPRING 2024**

Professor Brandy Johnson
Office: 244
Email: brandy.johnson@siu.edu
Phone: (618) 453-8117

Room: 204
Tue/Thur 1:30 -2:45 p.m.
Office Hours: M/W

***PURPOSES OF THE COURSE AND STUDENT LEARNING
OBJECTIVES:***

This course examines the laws that afford protections for the disabled and will primarily concentrate on disability discrimination. The class will mainly concentrate on the Americans with Disability Act, but we will also address other statutes and federal anti-discrimination laws as they apply to private businesses, educational institutions, and governmental entities. In this course, you will receive an introduction to the many and various challenges faced by those in the disabled community, policy considerations, and legal methods including interacting with disabled clients and/or attorneys. Additionally, you will gain experience analyzing legal problems and communicating your legal analysis through writing.

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Using a relevant fact pattern, students will be able to identify legal issues related to the various claims and defenses covered in this course, make critical and effective arguments regarding the application of the law to the fact pattern, and determine the proper resolution of the identified legal issues.
- Students will gain familiarity with the structure and interpretation of the Americans with Disability Act (ADA). More specifically, students will become familiar with the ADA's statutory provisions, regulations, and guidelines.
- Students will be introduced to protections afforded to the disabled against discrimination in employment, government services, programs, activities, education, web access, and places of public accommodations and/or commercial facilities.
- Students be able to identify the different agencies that regulate and enforce the ADA.
- Students will understand the ADA's requirements concerning reasonable accommodations and the relevant defenses available.
- Students will be able to understand who qualifies for protection under the ADA and the meaning of key terms like "qualified individual with a disability."
- Students will be able to critique the current disability laws as a system for providing equitable redress for discrimination and for promoting social justice.
- Students will be able to identify possible instances of implicit and explicit biases in

fact patterns and/or cases as well as present effective strategies to respond to or avoid these biases.

- Students will be able to identify and understand relevant statutes, regulations, guidelines, and caselaw to evaluate issues involving disability law.
- Students will be able to identify and reflect on the various aspects of a person's identity, including how identity is impacted by explicit and implicit bias.
- Students will be able to identify instances of inequity involving disabled individuals and make persuasive arguments that promote equity.
- Students will be able to effectively employ strategies of active listening, empathy, and effective allyship during classroom discussions and group work.

REQUIRED TEXT:

BEFORT & PORTER, DISABILITY LAW: CASES AND MATERIALS (2nd Ed. 2017) (ISBN 98-1-64708-486-8).

MARK C. WEBER, UNDERSTANDING DISABILITY LAW (3rd Ed. 2019) (ISBN: 978-1-5310-1404-9 (E-book 987-1-5310-1405-6)).

RECOMMENDED SOURCES:

ROTHSTEIN & MCGINLEY, DISABILITY LAW STATUTORY APPENDIX: FEDERAL STATUTES AND REGULATIONS (5th edition, 2013 Lexis/Nexis) (978-0-7698-6885-1 (E-book 978-0-3271-9172-8)).

REQUIRED CLASS TECHNOLOGY:

1. D2L

To supplement class, I will be using D2L. You are responsible for familiarizing yourself with the information posted and discussed on D2L prior to the examination. All assignments will be posted on D2L.

2. Slido

We may use online polling during our class via www.slido.com. **You should make sure that you are able to log on to Slido from a computer or other smart device during class.**

CLASS ATTENDANCE:

Active class participation is essential to success in this course. You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict. As such, attendance is mandatory (including in our make-up class), and you may miss no more than four (4) classes during the semester. An absence may be excused (or made up through a separate assignment) only in extraordinary situations, which will be addressed at my sole discretion on a case-by-case basis. I would advise that you not use up all your absences early in the semester. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School's attendance policy. See School of Law Rules III.5 (f)-(g).

This semester, there may be a make-up class session(s). Failure to attend make-up classes or to complete a make-up class assignment will count as an absence.

An attendance sheet will be distributed at the beginning of each class. Please sign the attendance sheet acknowledging that you (1) are present, (2) are prepared to participate in the class discussion, **and** (3) have completed any assignment. You may not sign for anyone but yourself. **If you miss more than five minutes of class for any unexcused reason, you may not sign the attendance sheet and you will be counted as absent.** Repeated tardiness will also result in being marked absent. If you must miss more than five minutes of class, you may still come to class provided that you do not cause an interruption.

CLASS PREPARATION, PARTICIPATION & ASSIGNMENTS:

1. Reading Assignments

Reading assignments will be posted on D2L. I will post the reading schedule for each two-to-four-week period well in advance to provide time for you to prepare for class. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule. **The first reading assignments are available on D2L.**

2. Class Preparation Assignments

More information about these assignments will be posted on D2L.

3. In-Class Participation

You are required to participate in class actively. When called on, be prepared to share your thoughts with the class. Additionally, there will be online polling and quiz questions that you will be asked to answer individually. You are not expected to know every answer, but you are expected to demonstrate that you have sufficiently prepared the assigned materials. Finally, we will engage in group activities. **If a student is not prepared to discuss the assigned materials when called upon or fails to actively participate during the in-class activities, the student will be marked as absent for that class and**

the student's grade may be lowered. (See CLASS ATTENDANCE and GRADING sections of the syllabus for more information about attendance and assessment on class preparation and participation).

4. Out-of-Class Assignments

To reinforce your learning, we will be completing out-of-class assignments. These could include (among other activities) accessibility determinations and writing exercises.

COURSE WORKLOAD:

You might be interested to know that the ABA standards incorporate out-of-class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.** Our class preparation assignments and out-of-class activities account for much of this time. The remaining time will be spent reviewing and preparing for exams.

PROFESSOR & STUDENT EXPECTATIONS:

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 48 hours on weekends.
- To be available during my posted office hours (and to provide alternative office hours should any require rescheduling).
- To assign out-of-class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 3-credit course.
- To give exams that accurately reflect the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.
- To refrain from using laptops, cell phones, and other electronic devices during class for anything other than class work.
- To spend an adequate amount of time on the assigned readings for each week, endeavoring to understand the legal principles covered, and carefully completing the assignments.
- To seek help when appropriate.

Advisory: This course may explore various policy issues that may be sensitive to some people. It is anticipated that individuals may hold very different personal and/or professional views regarding the topics to be discussed. Some students may find the views of others, or the views expressed in some of the assignments, to be disquieting, challenging, and/or upsetting. Class participation is expected and encouraged so that we can all think about our beliefs, thoughts, the historical context, and critically engage with the existing literature. **Class participants are to engage in discussion and are to do so respectfully and professionally.**

GRADING:

The course will be graded as follows:

A. Final Examination (60%)

The final examination will be a **comprehensive take-home examination** that can be completed using D2L Respondus and will be due **by 5:00 p.m. on May 3, 2024**. It will be **closed book**, but a packet of materials will be provided for your review and utilization. More details will be provided in class.

B. Out-of-Class Assignments (35%)

We will be completing out-of-class assignments. These will include (among other activities) two research and writing exercises.

C. Class Preparation & Participation (5%)

Careful preparation and active class participation are fundamental to success in law school. To receive full credit, a student must complete the following tasks:

1. Carefully read all assignments before attending class. This includes looking up any new terms in Black's Law Dictionary or an equivalent dictionary. If a student is not prepared to discuss the reading material when called upon, the student's preparation and class participation grade may be lowered.
2. Complete all class preparation assignments (including handouts, quizzes, and any written assignment) in a timely **and** professional manner, demonstrating minimum professional competency.
3. Watch/Listen to any assigned videos or podcasts.
4. Prepare questions for each set of guest speakers.
5. Actively participate in class.

D. Late Out-Of-Class Assignments

All assignments will have a specified date and time by which they will be due. To receive credit for an assignment, students are expected to complete and submit it by the specified date and time that it is due. If extraordinary circumstances prevent a student from completing and/or submitting an assignment on time, the student must contact me within 24 hours of the due date to request an extension of time. Students should plan on submitting all assignments in a timely manner, as extensions of time will only be considered for extraordinary and unavoidable circumstances.

BAN ON COLLABORATION ON CLASS PREPARATION, OUT-OF-CLASS ASSIGNMENTS, & EXAMS:

You are not allowed to obtain help from any other person (including any other student) or from generative artificial intelligence (including, but not limited to, ChatGPT) on any class preparation, exercises, or out-of-class assignment in this course **unless expressly stated otherwise in the instructions to that assignment**. This ban on collaboration includes obtaining written materials from any other person or generated artificial intelligence and/or communicating with any other person about an assignment. This ban on collaboration applies to both graded and ungraded exercises. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

The exams in this course will be closed book. You may **NOT** consult materials of any kind, with any person other than the proctor, nor access any other resource, including, but not limited to generative artificial intelligence. Failure to comply with this rule will result in a failing grade on this exam. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation.

PLAGIARISM:

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

OFFICE HOURS:

My Office Hours will be on Monday and Wednesday from 10:00 a.m.-11:00 a.m. Feel free to stop by my office outside of these hours. I will also be available throughout the semester via email or by appointment via Zoom or phone. If you would like to schedule a Zoom or phone appointment with me, please email me with some proposed dates and times.

NOTICE OF RECORDING POLICIES:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate learning objectives, class sessions will be recorded. You must contact Professor Johnson for the recording. Because of the possibility of a technical malfunction, Professor Johnson cannot guarantee the successful recording of every class. Students are free to make audio (not video) recordings of class lectures for their own purposes, but you are not permitted to distribute that recording to other individuals inside or outside of class.

ATTACHMENTS:

This Syllabus incorporates by reference the Law School Syllabus Attachment and the Provost Syllabus Attachment available on the course D2L page.

FIRST ASSIGNMENT:

You must sign onto D2L for the first assignment.