COPAA continues to grow as a recognized national leader in special education advocacy, with close to 1200 members in 47 states and the District of Columbia. COPAA members are kindred spirits who are passionately and expertly engaged to protect the rights of students with disabilities; enabling parents to work more effectively with school personnel to plan meaningful educational programs, and providing advocates, attorneys, and professionals the resources to promote excellence in advocacy.

COPAA members are key agents in the quest for much needed improvements in special education. Change towards quality educational services is achieved when parents and students are empowered to enforce their rights or obtain advocacy services; and when there are available and knowledgeable advocates and attorneys in every school district.

COPAA is a strong voice at the federal level; shaping policy, filing amicus curiae briefs for cases of national significance, and providing quality training and technical assistance to members. Individual contributions and the collective strength of the membership serve to keep COPAA strong, effective and forward moving.

The COPAA Board continues to pursue the following strategic goals for the organization:

1. **GOAL 1:** Increase Membership through enhanced member services.
2. **GOAL 2:** Increase Active Participation of Membership in COPAA.
3. **GOAL 3:** Effect Positive Change in Special Education Law and Public Policy, and Related Issues of Concern.
4. **GOAL 4:** Increase skills and substantive knowledge of attorneys, advocates, and parents.
5. **GOAL 5:** Ensure that COPAA has the Infrastructure to Perform and sustain its Mission.
cases seeking to resolve systemic problems.

On March 8, 2010, COPAA will be signing onto the brief authored by National Disability Rights Network in inclusive education. Larry Berger of Shepherd, Finkelman, Miller, & Shah, LLP, authored and filed the brief. It was contrary to the findings of both the Hearing Officer and Appeals Panel. COPAA's brief focused on the research basis for award of compensatory education as relief for that violation. Finally, the District Court denied the compensatory education relief due process appeals panel upheld the Hearing Officer's findings of fact, and legal conclusions finding liability, but reversed the violation which included a period of "compensatory education" services to match the period of LRE denial. The Special Education practice had a duty to keep him free from harm; (2) Georgia has not authorized the use of seclusion in public schools, making Defendants' practice illegal; (3) Jonathan's seclusion without safeguards was "confinement" and created a known danger for which the defendants should be liable under federal law; (4) Under IDEA and Georgia law, the State Defendants have a clear legal responsibility to Jonathan; and (5) The seclusion practices were below the minimal standards of the profession and shocking in disregard of basic safeguards. Unfortunately, in November, 2009, the Georgia Court of Appeals upheld the dismissal of plaintiffs' claims. See King v. Pioneer Reg'l Educ. Serv. Agency, 2009 Ga. App. LEXIS 1266 (Nov. 5, 2009). Jonathan Zimring and Dawn Smith wrote the brief on behalf of COPAA. The Atlanta Legal Aid Society, National Disability Rights Network, and TASH signed onto the amicus brief.

On October 7, 2009, COPAA filed an amicus brief in support of the Parents in the Georgia Court of Appeals in King v. Pioneer Reg'l Educ. Serv. COPAA argued that the teacher's abuse of restraint techniques on students with disabilities violated prevailing professional standards and created a substantial risk of harm. The Atlanta Legal Aid Society, the Georgia Advocacy Office, TASH, the Alabama Disabilities Advocacy Program, the Advocacy Center for Persons with Disabilities, and the National Disabilities Rights Network signed onto the amicus brief in support of T.W. Craig Goodmark of Atlanta Legal Aid Society wrote the brief on behalf of COPAA.

On July 7, 2009, COPAA filed an amicus brief with the Ninth Circuit in the United States Court of Appeals for the Eleventh Circuit. In T.W., the trial court dismissed the claims of a student with autism spectrum disorder and his mother. In that case, COPAA argued that the teacher's abuse of restraint techniques on students with disabilities violated prevailing professional standards and created a substantial risk of harm. The Atlanta Legal Aid Society, the Georgia Advocacy Office, TASH, the Alabama Disabilities Advocacy Program, the Advocacy Center for Persons with Disabilities, and the National Disabilities Rights Network signed onto the amicus brief in support of T.W. Craig Goodmark of Atlanta Legal Aid Society wrote the brief on behalf of COPAA.

On October 7, 2009, COPAA filed an amicus brief with the Ninth Circuit in the A.M. v. Monrovia Unified Sch. Dist. COPAA argued that the death of a child during the pendency of litigation does not render moot a parent's claim for reimbursement of education-related expenses and the parents' independent, enforceable rights under IDEA. Thus, Parents are entitled to pursue those retrospective claims after the death of their child. Accordingly, the district court erred in dismissing the reimbursement claims. Further, the district court committed reversible error in imposing sanctions for continued prosecution of the Parents' claims after the child's death. Baker & McKenzie attorneys Erika L. Andersen, Erin McClosey Maus, Angela C. Vigil, Stephanie R. Villasenor and Keith L. Wurster wrote the brief on behalf of COPAA.

On October 28, 2009, COPAA filed an amicus brief with the Third Circuit Court of Appeals in the case of Greenwood v. Wis- sahicken Sch. Dist. The Education Law Center (NJ) joined in the brief. In that case, the Hearing Officer found that the school district had denied Angela Greenwood's right to receive education in the least restrictive environment ("LRE"), and awarded relief for that violation which included a period of "compensatory education" services to match the period of LRE denial. The Special Education Due Process Appeals Panel upheld the Hearing Officer's findings of fact, and legal conclusions finding liability, but reversed the award of compensatory education as relief for that violation. Finally, the District Court denied the compensatory education relief with no explanation except for the statement that "[s]he has received an IDEA compliant public education," a conclusion which was contrary to the findings of both the Hearing Officer and Appeals Panel. COPAA's brief focused on the research basis for inclusive education. Larry Berger of Shepherd, Finkelman, Miller, & Shah, LLP, authored and filed the brief.

On March 8, 2010, COPAA will be signing onto the brief authored by National Disability Rights Network in Jamie S. v. Milwaukee Bd. of Sch. Directors. The amicus brief focuses on the need for an exception to the exhaustion requirement under IDEA in cases seeking to resolve systemic problems.

2010 Amicus Priorities

• Increase participation in Amicus cases;
• Increase collaborative partnerships with organizations representing individuals with disabilities;
• Expand the volunteer base to write COPAA amicus briefs; and,
• Publicize availability of technical assistance that lends support to members working through legal issues in specific cases.
Over 325 special education advocates (attorneys, parents, advocates and other professionals) attended the Conference in St. Louis. Our opening keynote speaker on the evening of Friday, March 12, 2010 is Dr. Richard Pimentel, a nationally renowned expert on Disability and Attitude Change. On Saturday, March 13, 2010 the general session featured Dr. Joseph B. Ryan, Clemson University, a nationally recognized researcher and speaker on behavior management and seclusion & restraint policies for schools. The afternoon general session featured the 2009 Annual Case Law Review by Judith Gran, Esq.,

Pre Conference sessions included seven (7) Two-Day Pre Conference selections and (7) One Day Preconference sessions for both days: three (3) on Thursday and four (4) on Friday (March 11 and 12, 2010). We held the Second Annual Fun Run/Walk on Sunday this year. Wayne Steedman set up the course for us. The Run/Walk included 40 participants, which is almost double that of last year.

Thank you to this year’s Sponsors:
Platinum Level Sponsor - Baker and McKenzie, LLP

See You at the 2011 Conference – San Antonio, Texas, March 3-6, 2011!
2009 was a busy year for the Governmental Affairs Committee. In August of 2009 Jessica Butler, longtime Co-chair of the Committee stepped down. We sincerely thank Jess for her extensive work on legislative issues as Co-chair, and we are thankful that she remains an active member of the Committee.

Much of the Committee’s effort this past year focused on H.R. 4247 Keeping All Students Safe in School Act and its companion in the Senate, S. 2860. We also continue to pursue passage of H.R. 2740, the “IDEA Fairness Restoration Act” which will allow a prevailing party to recover expert witness fees and certain other expenses, effectively overturning the decision in Arlington Central School District Board of Education v. Murphy.

The following activities moved COPAA forward toward its goal of becoming more influential in the Legislative and Executive Branches of Government.

IDEA Fairness Restoration Act

This issue remains one of COPAA’s major legislative priorities. In July, 2009 COPAA sponsored a national call-in day, and obtained support from over 110 organizations. Many members called in or participated by letter-writing and extensive grass roots efforts that connect Congressman and Senators with constituents intimately familiar with the benefits of the coalition APRAIS (Alliance for the Prevention of Restraint, Aversive Interventions and Seclusion) in support of the bills. Importantly, COPAA supports the bills because they contain critical provisions that provide a minimum floor of protection; protection that does not yet exist in many states. The bills also serve to raise the bars of protection and safety in every state, for all students. COPAA is working closely as a member of the coalition APRAIS (Alliance for the Prevention of Restraint, Aversive Interventions and Seclusion) in support of the bills.

COPAA believes that establishing an explicit private right of action for individual child victims and their parents to bring claims in a court of law is vital to effectuating the purpose and intent of this protective legislation. COPAA commits to work with Committee members, their staffs, and other stakeholders in pursuit of this goal.

2010 Legislative Priorities

Today, there are 7.1 million children with disabilities in America. Many students with disabilities receive good educations; however, far too many receive educations that are weak and inadequate. School districts fail to identify children with disabilities and provide ineffective services to others. Parents — whom Congress envisioned as equal partners in developing their children’s educational programs — face a playing field that is neither level nor fair. COPAA is committed to creating a level playing field for parents, and to ensuring that children with disabilities receive the same high-quality education as all children.

The time for equal opportunity for children with disabilities is now. COPAA will be a central force to protect student and parent rights in the impending reauthorization of Elementary and Secondary Education Act (ESEA) and Individuals with Disabilities Education Act (IDEA).

Reinstate Prevailing Parents’ Right To Expert Witness Fees. Few parents can afford the thousands of dollars needed for expert witnesses at hearings. Congress should override Arlington C.S.D. v. Murphy (2006) and restore the original intent of the Handicapped Children’s Protection Act of 1986. COPAA strongly supports H.R. 2740, the IDEA Fairness Restoration Act which would override Murphy.

Make the Burden of Proof Fair and Equitable. Lacking the resources and expertise available to school districts, parents are at a distinct disadvantage in due process hearings. Congress should override Schaffer v. Weast (2005) and place the burden of proof on school districts as the majority of Courts of Appeals had done prior to 2005.

Provide A Good Education to All Children with Disabilities. Congress should ensure the IDEA is properly interpreted to require that children with disabilities receive educations that provide meaningful benefit. America’s 7.1 million children with disabilities deserve a good education that will enable them to achieve maximum independence as adults. Many do not receive it.

Restore Attorneys Fees When Parents Settle. Congress should override Buckhannon v. West Virginia (2000) and restore the rights of parents and other civil rights plaintiffs to recover attorneys fees if they settle but their hearing request was the catalyst for the defendant to provide a remedy. Buckhannon has made it much harder for parents without substantial financial resources to pursue their children's educational rights.
Elementary and Secondary Education Act (ESEA) Schools must be held to the same high standard for all children, including children with disabilities. The principles of Universal Design must apply throughout ESEA and all students should leave high school ready for college or a career. Assessments must be designed and implemented to ensure that all students can accurately demonstrate their academic knowledge and skills. The Individualized Education Program (IEP) is not an appropriate accountability tool to measure a student’s academic progress. Schools should be held accountable the legal mandates of ESEA. Families must be empowered to be effective advocates for their child, and students with disabilities need to be included in the decision-making process about their academic opportunities.

Allow Parents to Properly Pursue Ongoing Violations. When a child has been denied a free appropriate public education for many years and the violation is ongoing, Congress should make clear that parents can pursue a remedy to make their child whole for all of the years. Some children may languish for years with inappropriate educations, falling further and further behind.

Protect the Right to Observe in the Classroom. Parents of children with disabilities and their experts often need to observe the classroom to monitor provision of FAPE to their children or to otherwise enforce their children’s rights. For many years they were welcome in the classroom, but today, many school districts try to prevent or sharply limit their right to observe.

Make IDEA’s Procedural Protections Effective. Increasingly, parents of children with disabilities confront an unlevel playing field that does little to assure a fair hearing process. Resolution sessions fail to achieve their objective and are misused as fishing expeditions; school districts refuse to respond to due process complaints; and motions for insufficiency are used as obstacles to a hearing.

Stop Abuse of Children in Schools. Congress should pass legislation to end the use of restraints, seclusion, and other aversive interventions upon children with disabilities in our nation’s schools. Abuse is a violation of fundamental human rights. Every child has a right to be safe at school, and to receive positive behavioral services and supports when exhibiting behaviors that are disruptive or dangerous to self or others.

Disciplinary Rights. Children with disabilities are being ejected into alternative schools, denied access to an education with their peers and appropriate educational services. Behavioral Intervention Plans are often ineffective; Functional Behavioral Assessments, poorly conducted. Increasingly, school districts are sending children to face criminal charges for relatively minor incidents.

Membership Committee Goals for 2010-2011
• Increase Number of Committee Members.
• Promote COPAA and Achieve Membership Growth.
• Implement Specific Strategies for Outreach to Low Membership States and Law School Clinics.
• Increase Membership Retention Rate.

Total Membership = 1196

- Attorneys, 484, 41%
- Advocates, 438, 38%
- Parents, 200, 17%
- Other Professionals, 42, 4%
**PUBLICATIONS**

*Mark Kamleiter and Diane Willcutts, Co-Chairs*

COPAA is seeking high-quality, informative articles to be published in our quarterly newsletter, on our web site, in monographs, and other print and electronic publications. We welcome submissions of well-written, factual submissions that are relevant to meeting the educational needs of children with disabilities. Our target audience includes any or all of the following: attorneys, advocates, parents of children with disabilities, and the general public.

Some examples of appropriate COPAA submissions include:

- Analysis of case law in a particular circuit or comparing circuits;
- Point/counterpoint debates on a current controversy;
- Literature reviews supporting research-based instruction and assessment;
- Insightful essays on a particular issue or experience;
- Public policy analysis; and,
- General interest articles related to single issues (e.g., least restrictive environment, eligibility, records requests).

For Submission Criteria or to indicate interest in submission, please e-mail the Publications Committee at publications@copaa.org

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**TRAINING**

*Eileen Crumm and Dawn Smith, Co-Chairs*

The Training Committee has concentrated its efforts in the last fiscal year on increasing membership, active participation of Advocates on the committee, and increasing training opportunities. We’ve successfully recruited four advocate members for the committee and offered two Webinar series: Special Education Law: Fundamentals, Impact of Current Decisions and Climate, and Recommended Advocacy Strategies and Understanding Reading: Development, Assessment, and Instruction.

Survey results indicate that the attendees found the webinars beneficial and the majority of attendees rated the presentations as “pretty good” or “great.” In the 2010-2011 year, the Training Committee will focus on:

- Continuing to offer Webinar Training.
- Develop an outreach plan and increase participation.
- Investigate possibility to hold regional in-person workshops in some of COPAA’s more populous regions.
- Recruit Parent Membership for committee participation.

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<tr>
<th>Date</th>
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STATEMENT OF FINANCIAL POSITION

December 31, 2009

ASSETS

CURRENT ASSETS

Cash $213,843
Certificates of deposit 35,238
Grants and other receivables 432
Prepaid expenses 7,627
Other 602

Total assets $257,742

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

Accounts payable $2,683
Accrued expenses 8,093
Deferred revenue 1,100
Total current liabilities 11,876

TOTAL NET ASSETS 245,866

Total liabilities and net assets $257,743
UNRESTRICTED NET ASSETS

SUPPORT AND REVENUE

Donated services $633,210
Conference fees 158,654
Membership dues 92,425
Contributions 3,945
Interest 4,209
Other Program Revenue (Webinars, Publication Sales) 5,053
826,843

NET ASSETS RELEASED FROM RESTRICTION

Satisfaction of restriction 7,500
Total unrestricted support and revenue 904,966

EXPENSES

Program services 855,939
Management and general 82,275
Total expenses 938,214

Change in unrestricted net assets (33,218)

TEMPORARILY RESTRICTED NET ASSETS

Contributions 5,489

NET ASSETS RELEASED FROM RESTRICTION

Satisfaction of restriction (7,500)
Change in temporarily restricted net assets (2,011)

Change in net assets (35,229)

Net assets, beginning of year 281,095

Net assets, end of year $245,866
Thank you Donors

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Thank you to COPAA Conference Attendees for your support of the Beth Goodman Scholarship Fund.

Thank you COPAA Committee and Workgroup Volunteers


COPAA is your national voice for excellence in Special Education Advocacy.

2009 - 2010
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