



2013-2014

# COPAA Annual Report



The Council of Parent  
Attorneys and Advocates, Inc.

2013-2014

**COPAA is an unparalleled peer-to-peer network dedicated to protecting the civil rights of students with disabilities and their parents.**

COPAA is premised on the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education, lifelong learning, and full participation in the community. The key to effective educational programming for children with disabilities is collaboration between parents and educators as equals. Access to quality representation protects student and parent rights, levels the playing field between parents and schools and enables full and meaningful parental participation as equal members of the child's educational team.

### **COPAA works to:**

- Assure that each child eligible for special education services and supports has access to:
  - A safe, respectful, caring and positive learning environment.
  - Access to Least Restrictive Environment, grade level curriculum, and high educational standards and expectations.
  - Quality instruction from qualified teachers.
  - Improved outcomes through the use of evidence-based practices and individualized programmatic fidelity.
- Provide timely and accurate information about student and parent special education rights.
- Provide comprehensive information about best practices in special education.
- Support advocates and attorneys in obtaining critical legal and educational information to pursue quality educational services and supports for students with disabilities.
- Facilitate member-to-member collaborative problem solving and information.
- Increase parent access to informed counsel and knowledgeable advocate representation.
- Provide parents advice on how to find special education advocates and special education attorneys to represent students with disabilities.

### **COPAA Strategic Plan Goals**

**GOAL 1:** Increase membership to 2000.

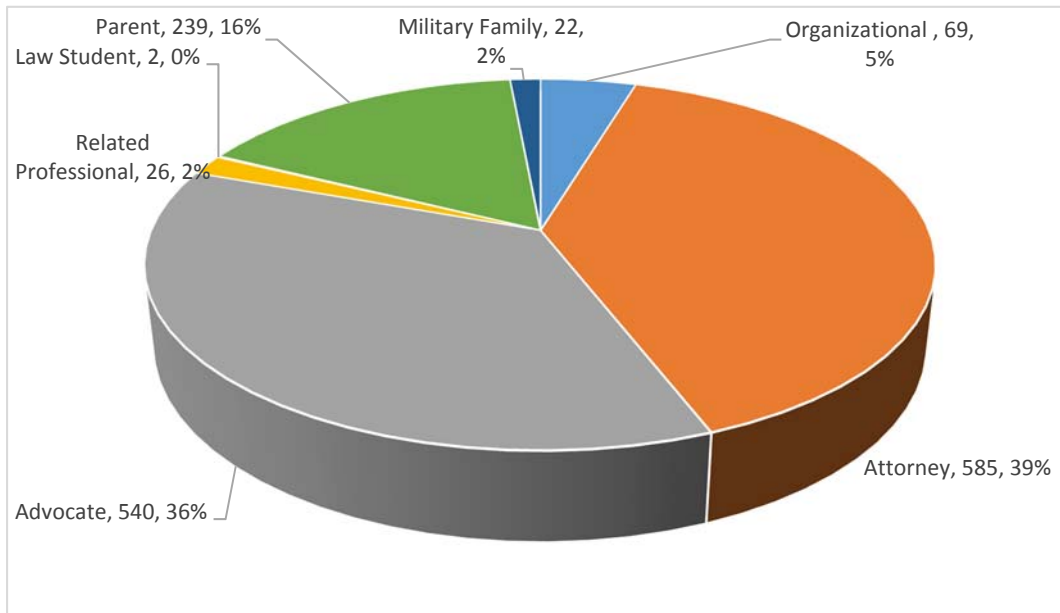
**GOAL 2:** Increase revenue to \$500,000 per year.

**GOAL 3:** Ensure that COPAA is the leading national information dissemination network on educational rights of students with disabilities and their families.

**GOAL 4:** Protect special education rights and promote excellence in advocacy.

**GOAL 5:** Assure each child eligible for services and supports has equal access to a quality education

## MEMBERSHIP



Alexis Casillas and Carrie Watts co-chaired the membership committee in 2013-2014. As of March 2014, COPAA has a total of 1483 members. Over the past year, COPAA gained over 400 new members, and our attrition rate was 33%. The Membership Committee worked on a variety of activities to promote overall membership growth and to continue to meet the needs of our members. COPAA's new website through YourMembership.com offers many exciting ways for members to network, exchange information, and access resources. The website also offers a means for membership recruitment through the "Refer a Friend" link. To capitalize on these new capabilities and to encourage members to engage in outreach to potential new members, the committee launched a membership drive in 2014 and plans to consider a larger membership drive in the future.

We are very excited to announce that the COPAA Board approved adding a Law Student Membership in February 2014. Law student members will be of great benefit to the organization as a whole. Going forward, we will work on outreach and mentoring of members who are new attorneys or law students as well as to consciously seek out active engagement of these individuals in the organization.

The membership committee will focus on member recruitment, retention and engagement. Alexis Casillas will continue as a co-chair of the committee, and is now joined by Dana Jonson and Missy Alexander.

In the past year, the Committee, under the leadership of Catherine Merino Reisman and Selene Almazan has provided *amicus* support in the following cases:

- March 20, 2013: In *G.M. v. Saddleback Valley Unified Sch. Dist.*, the district court had invited a fee claim against the parents and then awarded fees. COPAA's Amicus brief argued that the district court applied the wrong legal standard in awarding fees. In addition, COPAA argued that the decision undermined the IDEA and violated public policy. CAPCA signed on to the brief. Michael Westheimer and Keith Wurster from Baker & McKenzie wrote the brief. Selene Almazan and Catherine Reisman assisted with the editing. Subsequent to the filing of the brief, however, the Ninth Circuit held that it would not review the fee decision.
- June 4, 2013: COPAA signed onto a brief in support of the Intervenor-Appellant National Federation of the Blind in *Author's Guild v. HathiTrust*, No. 12-4547 (2d Cir.). Jo Anne Simon drafted the brief on behalf of COPAA and several other *amici*: Association on Higher Education And Disability; Marilyn J. Bartlett; Center For Applied Special Technology; Center For Law and Education; Melissa Chafee; Disability Rights Advocates; Everyone Reading, Inc.; Eye to Eye, Inc.; Learning Disabilities Association of America; National Association of Law Students With Disabilities; and Society for Disability Studies. The brief emphasized the policy reasons for affirming the district court decision that creation of digital copies of copyrighted works in nonprofit university libraries constituted fair use of the works under 17 U.S.C.S. § 107 since the use for scholarship and research was transformative with purposes of superior search capabilities rather than actual access to the copyrighted works, and facilitating access for print-disabled persons. *Authors Guild, Inc. v. Hathitrust*, 902 F. Supp. 2d 445 (S.D.N.Y. 2012). Committee members Leslie Margolis, Victoria Sulerzyski and Selene Almazan assisted with the drafting.
- December 20, 2013: COPAA filed an amicus brief in *F.H. v. Memphis City Schools*, No. 13-6323 (6th Cir.). COPAA argued that the district court holding that IDEA requires exhaustion of administrative remedies prior to enforcement of an agreement reached during a resolution session conflicts with the plain text of the statute and undermines the purposes of IDEA's alternative dispute resolution provisions. The court's holding that a student with an IEP is not entitled to the protections of other federal civil rights laws such as Section 1983 without first exhausting administrative procedures is inconsistent with the statutory text. The holding also had the effect of diminishing the rights of IDEA-eligible students. Under the district court's reading of the statute, a student with an IEP is in a less favorable position than students without IEPs when it comes to enforcing the civil rights protections created by federal laws other than the IDEA. The following organizations signed on to the amicus brief: Disability Law and Advocacy Center of Tennessee, The Arc Tennessee, the Tennessee Alliance for Legal Services, Support and Training for Exceptional Parents, Tennessee Voices for Children, Inc., and People First of Tennessee. Judith Gran and Catherine Reisman of Freeman Carolla Reisman & Gran LLC wrote the brief on behalf of COPAA.
- January 6, 2014: COPAA filed an amicus brief in *A.G. v. Paradise Valley Sch. Dist.*, Nos. 13-16239 and 13-16707 (9th Cir.). That case involved a claim that the failure to conduct a Functional Behavior Assessment and develop a Behavior Intervention Plan violated Section 504. COPAA's *amicus* brief sought to educate the court of appeals on how FBAs

and BIPs work and why they are so valuable. Barrie L. Brejcha, Yea-Jin Angela Chang, Donna J. Williams, Jenny A. Austin, Angela C. Vigil, and Keith L. Wurster of Baker & McKenzie LLP wrote the brief. Committee members Selene Almazan, Andrew Feinstein and Alexis Casillas reviewed the drafts.

The Amicus Committee has also responded to requests for technical assistance from Circuits throughout the United States. The attorney in the *F.H.* case, cited above, sought the Committee's assistance when he was deciding whether to appeal. In January, 2014, a COPAA member contacted the Amicus Committee requesting assistance in securing publication of an excellent district court decision, *Caldwell Indep. Sch. Dist. v. L.P.* (W.D. Tex.). COPAA wrote to West Publishing and the case will now be available in F. Supp.2d.

## AWARDS

### 2014 Diane Lipton Award for Outstanding Advocacy

Congratulations to our 2014 Diane Lipton Awardees for Outstanding Advocacy: Leslie Seid Margolis, Esq. and Susan Tobin, Esq. The Diane Lipton Award for Outstanding Advocacy recognizes outstanding achievement by members of the special education advocacy community in honor of the award's namesake, Diane Lipton. Leslie and Susan are two longtime COPAA members and tireless advocates who are exceptionally dedicated to the rights of children with disabilities.

Dana Jonson is the Awards Committee Chair.



Pictured here (left to right) are Missy Alexander, COPAA Board Member; Leslie Seid Margolis; Carolina Watts, Chair of the COPAA Board; and Susan Tobin.

## ADVOCATES

The Advocate Committee, under the leadership of David Beinke, Cynthia Daniels-Hall and Naomi Grossman, is working towards the strategic goal of increasing members by encouraging COPAA Advocate Committee members to invite prospects in their local areas to participate in an Advocate Committee Late Nite Call as a way to highlight one of the benefits of COPAA membership.

- There are currently 87 members on the Advocate Committee Roster.
- Diversity is being addressed through the Multicultural Sub-Committee, which in part spawned the recently formed COPAA Board Diversity Committee.
- The Committee recently formed the Advocate Mentoring Project/Program (AMP-UP) - designed to assist newer advocates or parents in developing skills or content areas they in



which they would like to grow. Mentoring is available for 1-2 hours monthly for a period of 1-3 months. AMP-UP **does not**:

- 1) Provide legal advice. That is what attorneys do.
- 2) Provide second opinions on cases or specific situations.

The mentoring focus is solely on skill building, or becoming more knowledgeable in content areas requested by the mentor.

- The Committee is continuing the Sunday Nite Study Group which meets every Sunday Nite at 7PM. Each meeting focuses on a particular topic area of interest.
- Committee Chairs have worked hard to increase the number of files available in the Advocate Committee Group Page Toolbox on the COPAA Website.
- The Advocate Committee is working towards the strategic goal of ensuring that COPAA is the leading national information dissemination network and strives to have the COPAA Advocate Network cover all 50 states. We have participants in our Advocate Committee phone calls from the following states: Hawaii, Illinois, North Carolina, South Carolina, Michigan, Nebraska, New York, Texas, Massachusetts, California, Maryland, Georgia, Pennsylvania, Arizona, and Wisconsin.

We have a National Advocate Certification Sub-Committee working on the issue of voluntary national advocate certification.

Members of the Advocate Committee served as practicum supervisors for several SEAT Training graduates who were unable to access supervision in their area.

## CONFERENCE



The 2014 COPAA Conference, March 6-9th in Baltimore was a record-breaking success! With over 560 attendees from across the country, it was our largest conference ever. The COPAA Conference continues to be highly regarded as an unparalleled opportunity for peer-to-peer sharing of special education advocacy knowledge and strategy.

Many thanks to our 2014 Conference Sponsors whose ongoing partnership and support is critical to our continued success. We are proud of the fact that every Sponsor or Exhibitor at the COPAA Conference, who provide direct services, adheres 100% to the *COPAA Declaration of Principles Opposing the Use of Restraint, Seclusion and*

*Aversive Interventions.*

Thanks much to the Conference Committee, chaired by Missy Alexander and Selene Almazan, for their hard work in designing the Conference Program. Our speakers for general sessions LeDerick Horne, Mark Weber, and Judith Gran were all very well received. This year there was once again a great slate of pre-conference sessions and a recording breaking 48

breakouts! Thank you to our many speakers, as we know an important part of the conference's success is due to your sharing of time and expertise.

The 2015 Conference Committee is chaired by Missy Alexander, Selene Almazan, and Mandy Favaloro. The committee will continue its work towards COPAA's strategic goal of assuring that COPAA is the leading national information dissemination network on educational rights of students with disabilities and their families. To that end, the committee implemented new policies for the conference materials that have increased the value of the materials to registered conference attendees, and have made them useful for webinars, products, and member resources. Last year, sales of the conference compendium and materials doubled as a result. Our legal analyst, Robin Pick has selected materials for inclusion in the members-only resource library, and plans to include select topics from the conference in a proposed monthly member blog series. The conference committee will work in collaboration with training committee next year to explore additional training opportunities such as regional or additional online offerings.

## **GOVERNMENT RELATIONS**

COPAA is committed to creating a level playing field to ensure children with disabilities receive the high-quality education to which they are entitled and have available to them a free appropriate public education (FAPE) that is designed to meet their unique needs and prepare them for post-secondary outcomes, community participation, and employment.

We are steadfast in the belief that each child must have quality, individualized services and supports to which they are entitled under the law. Robust and effective systemic enforcement of the law must be in place to increase compliance and reduce need for individual enforcement. Due process rights are essential to protect the civil rights of children with disabilities. Due process must be affordable to IDEA eligible students and their families.

Diane Willcutts and Andrew Feinstein chair the Government Relations Committee. Sincere thanks to Robert Berlow, who rotated off the Board this past year, for his many years of service as GR Committee Co-Chair.

### **COPAA Priority Policy Objectives**

- Ensure safe, positive learning environments for children with disabilities.
- Protect the due process rights of parents and students.
- End the use of aversive interventions in schools; including restraint and seclusion.
- Ensure that the re-authorizations of ESEA (aka NCLB) and IDEA provide for meaningful and measurable education for children with disabilities.
- Ensure that all students have access to high quality teachers, who are well trained particularly in the services needed by children with disabilities.
- Block ESEA waivers that short-change students with disabilities.
- Require charter schools to provide equal access and high quality education to children with disabilities.

- Prevent schools from using discipline as an excuse not to provide education to students with disabilities.
- Prevent schools from using Response to Intervention procedures to deny or delay students from eligibility for special education services.
- Ensure that IEPs have measurable, challenging goals.
- Stop out-of-level testing.
- Ensure that children are evaluated promptly in all areas of suspected disability and that the right of parents to independent educational evaluations at public expense is safeguarded and enforced.
- Ensure that FAPE means that the Student needs to make real, measurable progress on challenging and relevant goals.
- Reinstate the right of prevailing parents to collect expert witness fees from school boards.
- Require school boards to carry the burden of proof in hearings to show that their proposed IEPs are appropriate.
- Restore the right of parents to collect attorneys' fees from school district when their bringing of a due process hearing forces the district to provide what the student needs in cases in which the parties settle without a hearing.
- Make sure systemic progress monitoring is outcome-based, meaningful, and effective.
- Require schools to provide the type of outcome-based transitional services mandated by Congress in 2004.
- Ensure that more students with disabilities have the opportunity and supports necessary to realize full and meaningful participation in higher education.

In 2013 COPAA entered into an agreement with Washington Partners to accomplish the following:

- a. Develop and refine a strategic education policy plan for the 113<sup>th</sup> Congress;
- b. Build member support for COPAA's agenda;
- c. Provide direct lobbying services;
- d. Provide ongoing strategic consulting to extend the impact of COPAA; and
- e. Support advocacy training for COPAA membership.

The Government Relations Committee continues to focus on enhancing capacity of members to share and receive information at the circuit and state level. Added Circuit Groups to the Website, each circuit group also has State pages where members can share information and post documents. The committee is about to unveil a Governmental Relations State Level Submission Form on the website. This will further enhance ability to collect and share state level information as well as provide the opportunity for technical assistance on policy issues where appropriate.

COPAA continues to work collaboratively with our partners for systemic and policy change: Consortium for Citizens with Disabilities (CCD), Collaboration for Promotion of Self-Determination (CPSD), Alliance for Prevention of Restraint, Aversive Interventions and Seclusion (APRAIS), and the Coalition for Teaching Quality.



## **PUBLICATIONS**

The Publications Committee continues its work towards the strategic goal of having COPAA be the leading national information dissemination network on educational rights of students with disabilities and their families. Alice Nelson, Jon Zimring and Missy Alexander chaired the committee in 2013-14. COPAA hired a Legal Analyst, Robin Pick in 2013, who is working with this committee to produce fact sheets, reorganize and populate the members-only library of resources, and produce a series of papers and topic blogs in the upcoming year.

## **TRAINING**

The Training Committee continues its important work towards our strategic goal for dissemination under the leadership of Eileen Crumm and Mandy Favaloro. The first area of focus worked on by the committee was to expand the use of technology to deliver training. The training Committee has used multiple platforms to ensure delivery of training nationwide. WebEx has been used in both the SEAT training and the webinar series. SmarterU has also been utilized to provide instruction and testing for the SEAT trainees. In addition, the SEAT participants are using the features of COPAA's new website through YourMembership.com to facilitate class discussions.

COPPA continues to reach many through our live webinar training and archived webinar subscriptions. The most popular webinars continue to have in excess of 40 registered participants per session, and we reach hundreds of people each year through this modality.

The training committee continues to implement the SEAT training program, focusing most of its efforts on its successful implementation. Claudia Roberts was hired to coordinate the program in 2013 and it is going very well, with 63 active participants. Congratulations to our Trainees from last year who are finishing up the practicum portion of the training. Applications for the next cohort (Fall, 2014 – Spring, 2015) will be accepted beginning in June.

The Training Committee is planning to work on/explore the following in the upcoming year:

- Continued Webinar Series
- Additional web based course offerings for advocates and attorneys
- Regional/state based SEAT

## **VOLUNTEERS**

Special thanks to our listserv moderators Melissa Alexander, Jackie Chadwick and Faith Filiault. Their unsung efforts (and countless hours of volunteerism) allow us to provide the valuable list resource for member-to-member sharing of information and strategy.

Thanks also to the following committee and workgroup members for their efforts in pursuit of COPAA's mission:

Margaret Adams, Melissa Alexander, Selene A. Almazan, Sandra Alperstein, Diane Arbesman, Karri Axtell, Mary Baker, Susan Bardet, Jo Ann Behm, David Beinke, Holly Belle, Robert Berlow, Sherri Bianchin, Melissa Bilash, Mark Bishop, Augusto Blondet, Jennifer Davis Bohler, Mary

Broadhurst, Susan Bruce, Anna Brynild, Elise Butowsky, Lisa Carey, Alexis Casillas, Lucy Chansky, Lisa Cherin, Mary Carol Coffman, Pamela Cleary, Matt Cohen, Jonathan Corchnoy, Angie Crandell, Eileen Crumm, Marny Cullen, Gina DeCezendo, Cynthia Daniels-Hall, Deb Davis, Michelle Davis, Samantha Davis, Barbara Ebenstein, Mary Eaddy, Paul Eisenberg, Matthew Engel, Elizabeth Eubanks, Melissa Farrell, Mandy Favalaro, Andrew Feinstein, AnnMarie Fitzpatrick, Paula Flower, Lisa Frankel, Norma Francullo, Robin Forbes Drucker, Hadassah Foster, Kim Foster, David Garcia, Julie Gaughran, Louis Geigerman, Michael Gilberg, Justin Gilbert, Aimee Gilman, Stephanie Glaser, Craig Goodmark, Judith Gran, Naomi Grossman, Sharon Gudger, Franklin Hickman, Stephanie Glaser, Tenesia Hall, Kelly Hetzer, Franklin Hickman, Shelby Hudspeth, Sherry Hudson, Felicia Hurewitz, Stephanie James, David Jefferson, Dana Jonson, Catherine Johnson, Sonja Johnson, Mark Kamleiter, Michael Kinser, Sonja Kerr, Missy Koslosky, Barbara Klutchin, Michele Kule-Korgood, Heike Lasoski, Cindy Lane, Stephanie Langer, Jennifer Laviano, Linda Leenstra, Matthew Lehman, Betty Leiter, Barry Levine, Marcie Lipsitt, Leslie Lipson, Honey Low, Tricia Luker, Susan Luger, Leslie Seid Margolis, Mark Martin, Melonie Matjeka, Ellen Mavripilis, Sara Mauk, Marilyn McClure, Ann Mergler, Rebecca Miller, Amber Mintz, Alice K. Nelson, Richard O'Meara, Daysi Ortiz, Michelle Overton, Piper Paul, Mary Peitso, Gloria Perez-Walker, Dorene Philpot, Cheryl Poe, Renee Portnell, Stacy Rebello, Catherine Merino Reisman, Amber Mintz, Robin Rettie, Claudia Roberts, Catherine Roberts, Elizabeth Robinson, Tamara Roff, Kathleen Ross-Kidder, Judith Ruffulo, Ernest Saadiq Morris, Kristie Sepulveda-Burchit, Daniel Shaw, Jodi Siegel, Dawn Smith, Denise Smith, Sande Shamash, Kimberly Spire-Oh, Wayne Steedman, Victoria Sulzyski, Margaret Suter, Maureen Van Stone, Jill Stover, Lana Traynor, Joseph Tullman, Maureen van Stone, Carrie Watts, Renee Wachtel, Melanie Watson, Mary Jo Whateley, Tania Whiteleather, Sandee Winkleman, David Wong, Mark Woodsmall, Sharman Word Dennis, Rhonda Rochelle Ward, Monica Watts, Diane Willcutts, Joyce Wentz, Loretta Zayas-Revai, Jon Zimring.

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Mary Fornoff, Accountant (Contractual)  
Claudia Roberts, J.D., SEAT Program Manager (Contractual)

THE COUNCIL OF PARENT ATTORNEYS  
AND ADVOCATES, INC.

STATEMENTS OF FINANCIAL POSITION  
December 31, 2013 and 2012

	2013	2012
<b>ASSETS</b>		
<i>CURRENT ASSETS</i>		
Cash	\$ 311,077	\$ 229,839
Accounts receivable	-	275
Prepaid expenses	14,137	7,189
Deferred costs	<u>20,200</u>	<u>43,400</u>
Total current assets	<u>345,414</u>	<u>280,703</u>
<i>PROPERTY AND EQUIPMENT</i>		
Computer equipment	3,516	1,525
Website	<u>11,844</u>	<u>11,844</u>
	15,360	13,369
Less accumulated depreciation	<u>12,658</u>	<u>10,455</u>
Total property and equipment	<u>2,702</u>	<u>2,914</u>
<i>DEPOSIT</i>		
	<u>200</u>	<u>200</u>
Total assets	<u>\$ 348,316</u>	<u>\$ 283,817</u>
<b>LIABILITIES AND NET ASSETS</b>		
<i>CURRENT LIABILITIES</i>		
Accounts payable	\$ 15,637	\$ 7,617
Accrued expenses	14,251	10,742
Deferred revenue	<u>163,154</u>	<u>124,119</u>
Total current liabilities	<u>193,042</u>	<u>142,478</u>
<i>COMMITMENTS</i>		
<i>NET ASSETS</i>		
Unrestricted	144,237	130,937
Temporarily restricted	<u>11,037</u>	<u>10,402</u>
Total net assets	<u>155,274</u>	<u>141,339</u>
Total liabilities and net assets	<u>\$ 348,316</u>	<u>\$ 283,817</u>

THE COUNCIL OF PARENT ATTORNEYS  
AND ADVOCATES, INC.

STATEMENTS OF ACTIVITIES  
Years Ended December 31, 2013 and 2012

	2013	2012
<b>UNRESTRICTED NET ASSETS</b>		
<i>SUPPORT AND REVENUE</i>		
Donated services	\$ 594,901	\$ 446,722
Conference fees, net of refunds of \$3,570 in 2013 and \$1,630 in 2012	148,680	157,490
Membership dues, net of refunds of \$379 in 2013 and \$400 in 2012	121,954	99,647
Webinar training , net of refunds of \$2,039 in 2013 and \$0 in 2012	94,185	12,278
Contributions	8,333	5,597
Interest	621	807
Other	5,278	2,642
	<u>973,952</u>	<u>725,183</u>
 <i>NET ASSETS RELEASED FROM RESTRICTION</i>		
Satisfaction of restriction	4,925	7,894
Total unrestricted support and revenue	<u>978,877</u>	<u>733,077</u>
 <i>EXPENSES</i>		
Program services	905,872	647,144
Management and general	59,705	72,825
Total expenses	<u>965,577</u>	<u>719,969</u>
 Change in unrestricted net assets	 <u>13,300</u>	 <u>13,108</u>
 <i>TEMPORARILY RESTRICTED NET ASSETS</i>		
Contributions	5,560	5,115
 <i>NET ASSETS RELEASED FROM RESTRICTION</i>		
Satisfaction of restriction	<u>(4,925)</u>	<u>(7,894)</u>
Change in temporarily restricted net assets	<u>635</u>	<u>(2,779)</u>
Change in net assets	13,935	10,329
Net assets, beginning of year	<u>141,339</u>	<u>131,010</u>
Net assets, end of year	<u>\$ 155,274</u>	<u>\$ 141,339</u>