



Annual Report

2014-15

Protecting Rights. Creating Opportunities. Changing Lives.

Council of Parent Attorneys and Advocates, Inc.



COPAA is an un-paralleled peer to peer network.

Our strength is in our members. Each of you brings a wealth of experience, passion and commitment to the table and it is our collective effort and reach that make COPAA strong and forward moving.

From the Chair and Executive Director

Mark Martin, *COPAA Board Chair*

Denise Marshall, *COPAA Executive Director*

COPAA's growth and ability to reach individual families, to be heard before the Courts and provide powerful input before Congress has increased exponentially in recent years. This report highlights critical activities and accomplishments in 2014-15. Our members protect rights, create opportunities, and change the trajectory of lives for thousands of families across the nation each year. Yet, the data is clear that too many students do not receive the services and supports to which they are entitled and that there is insufficient support to help families obtain services necessary for students with disabilities in and out of school to move towards independent and productive lives. The data is equally clear that there is a disproportionate impact and denial of services to students of color, students in rural areas, students who speak English as a second language and students living in low socio economic circumstances. As we celebrate our accomplishments we are mindful of the work that must be done.

Strategic Goals

COPAA has made significant progress towards strategic goals developed in 2012. The Board will revise the Strategic Plan in the fall of 2015

GOAL 1: Increase membership to 2000.

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

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

GOAL 4: Protect and enforce legal and civil rights of students with disabilities and their families; and, promote excellence in advocacy.

GOAL 5: Assure each child has equal access to a quality education

Financial and Operating Highlights

COPAA remains in a strong financial position. COPAA has strengthened its infrastructure in the past year, with the addition of Selene Almazan as our Legal Director, Washington Partners as our government relations consultants, and Jamie Anderson as our membership assistant.

Looking Ahead

The energy and skill of our members continues to drive the quest for justice. Our continued resiliency propels us forward with undeniable purpose and commitment to our shared goals.

THE COUNCIL OF PARENT ATTORNEYS
AND ADVOCATES, INC.

STATEMENTS OF FINANCIAL POSITION
December 31, 2014 and 2013

	2014	2013
ASSETS		
<i>CURRENT ASSETS</i>		
Cash	\$ 352,975	\$ 311,077
Accounts receivable	1,849	-
Prepaid expenses	18,280	14,137
Deferred costs	<u>-</u>	<u>20,200</u>
Total current assets	<u>373,104</u>	<u>345,414</u>
<i>PROPERTY AND EQUIPMENT</i>		
Computer equipment	3,516	3,516
Website	<u>11,844</u>	<u>11,844</u>
	15,360	15,360
Less accumulated depreciation	<u>13,828</u>	<u>12,658</u>
Total property and equipment	<u>1,532</u>	<u>2,702</u>
<i>DEPOSIT</i>		
	<u>200</u>	<u>200</u>
Total assets	<u>\$ 374,836</u>	<u>\$ 348,316</u>
 LIABILITIES AND NET ASSETS		
<i>CURRENT LIABILITIES</i>		
Accounts payable	\$ 10,540	\$ 15,637
Accrued expenses	9,799	14,251
Deferred revenue	<u>200,527</u>	<u>163,154</u>
Total current liabilities	<u>220,866</u>	<u>193,042</u>
<i>COMMITMENTS</i>		
<i>NET ASSETS</i>		
Unrestricted (Note 4)	145,726	144,237
Temporarily restricted (Note 3)	<u>8,244</u>	<u>11,037</u>
Total net assets	<u>153,970</u>	<u>155,274</u>
Total liabilities and net assets	<u>\$ 374,836</u>	<u>\$ 348,316</u>

THE COUNCIL OF PARENT ATTORNEYS
AND ADVOCATES, INC.

STATEMENTS OF ACTIVITIES
Years Ended December 31, 2014 and 2013

	2014	2013
UNRESTRICTED NET ASSETS		
<i>SUPPORT AND REVENUE</i>		
Donated services	\$ 414,288	\$ 594,901
Conference fees, net of refunds of \$700 in 2014 and \$3,570 in 2013	253,950	148,680
Membership dues, net of refunds of \$5 in 2014 and \$379 in 2013	142,396	121,954
Webinar training, net of refunds of \$955 in 2014 and \$2,039 in 2013	81,984	94,185
Contributions	9,968	8,333
Interest	619	621
Other	6,230	5,278
	<u>909,435</u>	<u>973,952</u>
<i>NET ASSETS RELEASED FROM RESTRICTION</i>		
Satisfaction of restriction	7,425	4,925
Total unrestricted support and revenue	<u>916,860</u>	<u>978,877</u>
<i>EXPENSES</i>		
Program services	855,619	905,872
Management and general	59,752	59,705
Total expenses	<u>915,371</u>	<u>965,577</u>
Change in unrestricted net assets	<u>1,489</u>	<u>13,300</u>
TEMPORARILY RESTRICTED NET ASSETS		
Contributions	4,632	5,560
<i>NET ASSETS RELEASED FROM RESTRICTION</i>		
Satisfaction of restriction	<u>(7,425)</u>	<u>(4,925)</u>
Change in temporarily restricted net assets	<u>(2,793)</u>	<u>635</u>
Change in net assets	(1,304)	13,935
Net assets, beginning of year	<u>155,274</u>	<u>141,339</u>
Net assets, end of year	<u>\$ 153,970</u>	<u>\$ 155,274</u>

Advocates Committee

Co-Chairs: Cynthia Daniels Hall, David Beinke, Naomi Grossman

1) Mentoring Sub-Committee report – Chaired by Diane Willcutts and Elizabeth Hooper

The Mentoring Sub-committee has formed and is working on an outline for the Mentoring Project that considers such questions as structure for mentoring, parameters, recruitment and ways to list mentors on the COPAA website. Possible disclaimer language is likely needed so that liability is not on COPAA; having mentors self-select for same reason. We are thinking about setting up Groups by subject on the website with structured conversations by experienced practitioners, which may be more sustainable than one-to-one mentoring.

2) Voluntary Code of Ethics – Sub-Committee to be formed to review and determine if it is appropriate to propose changes. We do believe the original version has stood the test of time; however, the practice is ever evolving and there may be additional areas that should be discussed, for example adding a section regarding advocates who represent parents in due process hearing.

3) State Level SEAT program – The committee is recommending to the Training Committee that replication as a state level offering be strongly considered. Texas has indicated interest, as has Illinois. Consideration may also want to be given to membership in high number states such as CA and NY. There is recognition that any replication model must preserve the integrity of the program and COPAA's brand.

4) Advocate Only Discussion Forum (to address access to the Advocate Only Discussion Forum and Group) Cynthia 1st Friday of each Month at 12:00 noon EST in the Spring.

5) Advocate Consumer Guide Sub-Committee- Cynthia is working on a guide to developed by Advocates for Advocates to be disseminated to help Advocates make informed decision about the training opportunities offered locally and nationally.

6) Advocate Sunday Night Study Group and Advocate Late Night continue to be of interest and are well attended. The Texas versus Arizona Advocate Throw down was a highlight. Of course, it was draw.

7) COPAA Parent Members - One Advocate Late Night Call was dedicated to Parent Members of COPAA. Parent members Kim Chen, Chan Stroman, Missy Kolosky have volunteered to be part of this effort and will work in collaboration with the Membership Committee to work on next steps in the process.

8) COPAA Website - As a committee we are recommending a process or committee to make the website more user friendly, and accessible to committee members and membership at large. We love the website and the incredible effort that went into it not all COPAA members over a certain age or generation may not have the technical fluency to access, upload, or interface with site in a way needed to stay up with the expanding membership.

Attorney Committee

Co-Chairs: Craig Goodmark and Jennifer Laviano

The newly created Attorneys' Committee has identified goals for the upcoming year. We discussed some of the ways in which the Committee wants to serve COPAA's lawyer members. Identified "next steps" were:

1. Help to create a learning community with issue coaching for attorney members who are new to the practice of law or new to the practice of special education law.
2. Recruit members and volunteers from among current COPAA Members at the Conference. The Attorneys' Committee will not only need more members, but for experienced and seasoned lawyers among our ranks to volunteer to provide the coaching and other support we are hoping to provide to our new or struggling lawyer members.
3. Develop infrastructure and strategies to recruit attorneys who may not yet be COPAA Members, or attorneys that represent in special education as of yet.

Awards Committee

Chair: Dana Jonson

This year the Awards Committee recommended and the Board approved Valerie Vanaman for the 2015 Diane Lipton Award.

COPAA Board Member Alexis Casillas said in her nomination of Valerie: *"I know that across the country, Valerie Vanaman has seeped into the collective consciousness of the special education world. I remember that as a family seeking services for my brother, her name meant hope that we would finally get what Austin needed. I know how just uttering the name "Valerie Vanaman" can change the course of a case."* Valerie is a master at creating multidisciplinary strategies for addressing complex social problems. After her studies at Harvard Valerie spent six years working with the Legal Aid Foundation of Long Beach and with the Western Center on Law and Poverty in the Los Angeles area. She has committed her career to providing civil legal services to the poor and low-income populations. Valerie is one of the founding members of COPAA. She is also a leader in the state organization California Association for Parent and Child Advocacy (CAPCA) has organized conferences and lobbying trips through CAPCA in an effort to protect the rights of the clients we seek both in educational and other matters. Valerie's role in the development of a parent's bar in California is undeniable. Given her commitment to developing the next generation of advocates, her impact is exponentially greater than what we can observe from her work thus far. She is often referred to as the grandmother of special education law, and she certainly has

left a lasting mark as she worked with it from its early days as Public Law 94-142, to try to make the IDEA the exemplar of a law we know it is supposed to be. Valerie is a leader for our community and she has led the way for many to practice quality special education law.

[Valerie Vanaman, Esq. - 2015 Diane Lipton Award for Outstanding Advocacy Acceptance Speech](#)

For this next year the Committee discussed the need to analyze the lack of diversity historically among the annual award recipients. This led to a discussion regarding the possibility of additional awards. The committee will recommend to the Board that the overall goal of COPAA Awards be to celebrate the work of a broader spectrum of those engaged in special education advocacy. To that end, the committee is exploring the possibility of expanding potential awards for the categories outlined in the award criteria. This may include such categories as: 1) grassroots organizing (for example someone who is particularly effective in mobilizing hard to reach constituents to affect special education change in their geographic area as opposed to or in addition to sole focus on the national/state level because that limits the pool), 2) policy/systems advocacy in the area of special education, and 3) litigation (particularly for a current case that was brought to fruition within the previous year).

Amicus Committee

Co-Chairs: Selene Almazan and Catherine Merino Reisman

The committee works on the COPAA strategic goals to protect student and parent rights through the filing of amicus briefs on cases of national significance. The Amicus Committee is also tasked with providing technical assistance to members.

In late November, 2014, Michael Kirkpatrick of the Institute for Public Representation (IPR), a clinic at Georgetown Law School, sought COPAA as its client for an *amicus* brief to be filed in support of Appellants in *Price v. District of Columbia*, No. 14-7133 (D.C. Cir.), an important case regarding fee-shifting under the IDEA. In a series of cases, the District of Columbia Public Schools had asserted that indigent parents and children represented by appointed counsel are not entitled to the same remedies available to all other prevailing parties in IDEA cases. On December 23, 2014, IPR filed the brief on behalf of COPAA. The *amicus* brief focused on the importance of the fee-shifting provisions, especially in this case, where the students were indigent. It is available at bit.ly/copaaprice.

On January 12, 2015, COPAA filed an *amicus* brief in *Timothy O. v. Paso Robles Unified Sch. Dist.* That case involves issues related to child find and the need for comprehensive assessment. Selene Almazan wrote the brief (available at bit.ly/copaatimothy) for COPAA.

On February 3, 2015, COPAA filed a motion for leave to file an *amicus* brief out of time in the Sixth Circuit Court of Appeals in *Domingo v. Kowalski*. COPAA learned of the case after the time period for filing an

amicus had passed, but the issue was so significant, we are seeking to file late. In that case, the district court held that abusive restraints and interventions on kindergartners with significant developmental disabilities had a “pedagogical purpose” and were therefore not actionable. The teacher’s “pedagogy” included tying a child to a toilet seat with a belt for hours, restraining a child to a Rifton chair secured to a wall in the bathroom and restraining a child on a gurney with a gag in his mouth to teach him not to spit. COPAA’s brief focused on the fact that the teacher’s actions were well outside any accepted professional standards. Catherine Reisman and Selene Almazan authored the brief, with significant assistance from Leslie Margolis and Aimee Gilman. Selene Almazan filed on behalf of COPAA. We are still awaiting decision on the motion to file out of time.

Several members of the Committee (Andy Feinstein, Alice Nelson, Selene Almazan and Catherine Reisman) provided technical assistance to a COPAA member in Minnesota pursuing significant discrimination claims.

Caroline Heller of Greenberg Traurig has agreed to write a brief in *S.T. v. Howard County Public School System* in the Fourth Circuit Court of Appeals. That case involves the “4 corners of the IEP” in IDEA.

Caroline Heller will also be authoring an *amicus* brief on behalf of COPAA in *A.M. v. American Sch. for the Deaf* in the Second Circuit. The issue in that case is whether exhaustion of administrative remedies is required against an entity that would not be a party in the due process hearing.

In the workgroup meetings this year the group has looked at the three areas identified as priorities (and covered in COPAA’s general session last year 2014, Mark Weber’s presentation) including RtI, Transition/Graduation and Section 504 and the ADA. The workgroup has also developed a detailed response to the 2013 American Association of School Administrators (AASA) attack on the right to an impartial due process hearing and called for its abolition. In 2014 the Government Accounting Office (GAO) issued a comprehensive report and found that there are fewer special education hearings between parents and schools. The number of hearings has fallen from 7,000 in 2004-05 to 2,262 in the 2011-12 academic year.

Conference Committee

Co-Chairs Missy Alexander, Selene Almazan, and Mandy Favaloro

Our 2015 Annual Conference at Paradise Point Resort in San Diego, California had 575 total participants, which was by far the largest ever. Our Friday evening opening Keynotes were delivered by Elyn Saks, followed by Jenny Hatch and her attorney, Jonathan Martinis. Elyn spoke from her perspective as an individual with a psychiatric diagnosis, her challenges with managing symptoms, and experiences in the system, including the imposition of restraint and seclusion. Jenny Hatch came into the national spotlight regarding self-determination as an adult with a disability. As is our tradition, our Friday evening speakers inspired and informed our work as parents, advocates and attorneys. Our Saturday general session

speaker, Gina Kline, from the Department of Justice, kicked off our Town Hall on Saturday morning. Following Gina's presentation, had a lively panel discussion moderated by Matt Cohen and including Mark Martin, COPAA Chair, Selene Almazan in her capacity as Legal Director, Laura Kaloi as our Government Relations consultant and Julie Swanson and Susan Bruce who are co-chairs of our Cover Media Relations Committee.

This year we had a wide variety of preconference selections. We had 5 two-day preconference selections, with 126 registrants, and 7 one-day preconference selections, with 228 registrants. The conference program had 48 breakout sessions. Feedback on the majority of session, with only 1 or 2 outliers, was very good. We had an App using the software www.eventmobi.com. Each attendee received an invitation to use the app, and they were encouraged to personalize their page with their picture, social media information, and presenters were able to upload presentation materials. The Wednesday Night Fun(d) Raiser was well attended with 95 attendees. Our thanks to local sponsors Newman Aaronson Vanaman and A2Z Educational Advocates for supporting and organizing the event. The Committee proposed amending COPAA policy on conference attendance, which was passed by the Board. [The Conference Registration policy is available on the site.](#)



Thanks to all of our sponsors:

Diamond: Chamberlain International School and Cuddy Law Firm, PC.

Platinum: Law Offices of Regina Skyer and Baker McKenzie, LLC.

Gold: MetLife Center for Special Needs Planning; Law Offices of Mark B. Martin, PA; Newman Aaronson Vanaman; A2Z Educational Advocates; Alpine Academy; The Law Offices of Jennifer Laviano, LLC; Gina DeCrescenzo, PC.; Kule-Korgood and Associates, PC; Mayerson and Associates; InnerChange.

Silver: The Glenholme School; Law Offices of Adam Dayan; California Association for Parent Child Advocacy (CAPCA); Advocates for Special Education; Provo Canyon School; and Haynes Family of Programs.

Bronze: Law Offices of Tania L. Whiteleather

[Visit our website to learn more about the COPAA Conference Sponsors.](#)

Future COPAA Conferences: March 10-13, 2016: Philadelphia, PA and March 2-5, 2017: Dallas, TX

Development Committee

Co-Chairs: Maureen van Stone and Carrie Watts

The Development Committee is responsible for steering COPAA's revenue and fund development. The committee also is looking at ways to provide additional in-kind support to COPAA, such as interns and partnerships.

Accomplishments:

- Launched a Giving Tuesday drive
- Utilized the AmazonSmile program
- 100% Board participation toward annual donations
- Solicited funds through the annual fund request
- Increased annual donations to COPAA by 16%
- Recruited a law student to help the COPAA government relations committee during the summer of 2015
- Researched federal grant opportunities in collaboration with Denise
- Facilitated a meeting with COPAA and the Association of University Centers on Disabilities in Silver Spring, Maryland, in an effort to increase collaboration between the organizations
- Collaborating with local sponsors on the pre-conference fundraiser in San Diego

2015 Goals:

- Recruit new members for the development committee
- Co-chair the development committee with Carrie Watts
- Continue to explore other fundraising opportunities for COPAA
- Apply for a federal grant on agreed upon initiatives in support of our strategic goals.

Diversity Committee

Co-Chairs: Gloria Perez-Stewart and Cheryl Poe

The diversity committee drafted a diversity statement for the organization, which was approved by the Board on February 19, 2015. The statement is:

The Council of Parent Attorneys and Advocates (COPAA) is at the forefront of advocacy for students with disabilities and their families. COPAA works to increase the quality and quantity of representation available to students and their families and to ensure the rights of children with disabilities and their parents/guardians are protected. As an organization committed to civil rights, COPAA recognizes the relationship between discrimination and bias against people with disabilities and other forms or systems of oppression, domination, or discrimination based on race, national origin, ethnic and/or religious identity, sex/gender/gender identity/sexual orientation, and socioeconomic status.

COPAA is committed to the full inclusion of persons of diverse backgrounds and identities in COPAA's leadership and membership and defines inclusivity as the valuing and promotion of the perspectives of those of different backgrounds and identities. COPAA defines cultural

competency as a set of values, behaviors, attitudes, and practices within a system, organization, program, or among individuals, which enables them to work effectively, cross culturally. This includes, but is not limited to race, ethnicity, sex, gender, sexual orientation, class, age, ability, religion, and language. COPAA is committed to the development of policies and activities to promote the participation of diverse stakeholders and constituents, and to encourage all of its members to demonstrate cultural competency and genuine sensitivity in representing and advocating for students and their families. In addition, COPAA is committed to considering fully, in all activities and programs, the intersectionality of race, national origin, ethnic, cultural and/or religious identity, sexual/gender identity/ sexual orientation, socioeconomic status, in our efforts to protect and enforce the legal and civil rights of students with disabilities and their families.

In addition, COPAA seeks to address issues affecting access to advocacy for students of color and linguistically diverse children and their families in recognition that these students are disproportionately represented in special education. Our organization also seeks to address the need for advocates, attorneys, and empowered self-advocates from diverse communities as leaders and members of COPAA to fully address the inherent inequities experienced by students of color and linguistically diverse students.

The committee is working on recommendations to implement the statement across the work of COPAA. Strategies include delegates on each committee and checklists and guidelines being worked on by subcommittees. The committee is also gathering resources for the website and will begin to work on an outreach plan.

Government Relations

Co-Chairs: Andrew Feinstein and Diane Willcutts

Protecting the civil and legal rights of students with disabilities and their families and shaping education law and policy in Executive, Legislative and Judicial branches of federal government are strategic goals that this committee is working to realize. COPAA believes that protecting rights is essential to the success of *every student* with a disability. COPAA is focusing its policy and advocacy resources on strategies to accomplish the following goals:

- Be the lead voice and key advisor to the White House, federal agencies, and to Congress and their staff on the legal and civil rights of children with disabilities as they relate to all federal legislative and regulatory matters;
- Create federal and targeted state policy momentum and support for key legislative and policy objectives as well as oppose and neutralize efforts that infringe upon the legal and civil rights of children with disabilities; and,

- Initiate meaningful and purposeful ways to inform and engage its membership and for COPAA to speak to the education policy press, bloggers and social media audiences to advance the organization's Mission.

The following summary intends to highlight the many ways that Washington Partners LLC, and COPAA staff are working together to assure that COPAA leads and influences federal legislative and regulatory activities resulting in demonstrable outcomes for the organization and the children it serves.

1. Executing a strategic education policy plan for the 113th and 114th Congress

- Conducted meetings with key officials at the White House and in the Administration including key meetings with Cabinet members and their staff in the Department of Education and Department of Justice.
- Led disability advocacy community activities in the 2015 reauthorization of the ESEA. Key collaborators are The Business Roundtable, U.S. Chamber of Commerce, Education Trust, National Center for Learning Disabilities, National Council of La Raza, Leadership Conference on Civil and Human Rights and Consortium for Citizens with Disabilities (CCD) Since January 2015, COPAA has participated in over 30 Hill visits with both coalitions; forming a unified voice on accountability, assessment and transparency for all students.
- Strategized outreach to the press and create new partnerships to expand COPAA's impact
 - COPAA has been quoted numerous times with regard to key education policy issues e.g. ESEA, IDEA regulations/guidance and state policy issues with national impact (e.g. LA, NY). The publications and blogs include: *Politico*, *Huffington Post*, *Education Daily*, *Special Education Weekly* and *The Hill*.
 - COPAA was called upon to help create a panel of experts with The Center for American Progress and Senator Chris Murphy on school climate, discipline and assessment of students with disabilities in late Feb. 2015. Selene Almazan, Esq. presented on behalf COPAA on the panel at the event.

2. Building Member support for COPAA's agenda and providing direct lobbying services

- Led the development of policy recommendations to Congress on the following federal laws:

- **The Higher Education Act** (expected to be taken up by Congress in 2015) – this includes key provisions to help parents have access to information about transition from high school to post-secondary education as well as programs designed specifically for students with intellectual disabilities.
- **The Workforce Opportunity and Investment Act** (became law and regulations are pending release in early 2015)
- **The Elementary and Secondary Education Act** (House bill expected to pass in late February, Senate bill in March. ESEA could move all the way through to conference and to the President's desk in 2015).
- Coordinated introduction of key bills central to COPAA's agenda:
 - **2014:** Chairman Harkin's introduction of *The IDEA Fairness Restoration Act*, *The IDEA Full Funding Act* and the *Keeping All Students Safe Act*
 - **2015:** Rep. Van Hollen (D-MD) introduction of the *IDEA Full Funding Act*, Rep. Beyer (R-VA) introduction of *The Keeping All Students Safe Act*, Senator Chris Murphy (D-CT) introduction of *The Every Child Counts Act* and Senator Casey (D-PA) *Empowering Parents and Students Through Information Act* – the last two bills were vetted heavily by COPAA and are forming the basis for the ESEA reauthorization negotiations in the Senate for important provisions impacting students with the most significant cognitive disabilities. .
 - **2015:** Led negotiations in partnership with Rep. Cathy McMorris Rodgers (R-WA) in assuring the House ESEA bill --The Student Success Act (H.R.5) -- better includes provisions to support students with disabilities. Although there is still no 'cap' on the use of alternates, this language represents a major development in helping assure a conference committee between the House and Senate may result in a better outcome for students with disabilities.

3. Providing ongoing strategic consulting to extend the impact of COPAA

- Monitored, reviewed and advised on other bills and key regulatory activities including:

- The Charter School Bill which included new provisions to better recruit, enroll and retain students with disabilities. Passed the House and is now incorporated in HR 5.
- The OSEP monitoring process under Results Driven Accountability
- Department of Justice Notice of Proposed Rulemaking on Title II and III of the ADA
- Led and participated in coalitions to assure recommendations to Congress and the Administration are consistent with COPAA policies
 - Consortium for Citizens with Disabilities
 - APRAIS
 - Coalition for Teacher Quality
 - Leadership Conference on Civil and Human Rights

5. **GR Intern** - We are slated to have our first GR legal intern this summer, with Maureen van Stone's assistance and under her supervision, in collaboration with staff and the GR Committee Chairs.

6. **COPAA Weekly Update** - In January of 2015 we initiated *COPAA Weekly Update* sent to all members in the COPAA Community on Tuesday of each week. Features news from Washington, Amicus and the States.

7. **State Level Activity** - COPAA has increasingly supported members at the State level on issues of importance. Increasingly, state legislatures have been considering proposals that have a significant impact on students with disabilities and their families. And, we have seen state governments experimenting with new approaches to education that have a direct effect on students with disabilities and their families. The COPAA Government Relations Committee wants to know what is happening at the state level, and is looking to work with members to safeguard the civil rights of children with disabilities and their families. To inform COPAA GR Committee of an issue or make a request [please use the submission form](#).

8. Issues of National Importance

a. **COPAA provided Government Accountability Office investigation of Administrative Burden** – met with representatives on January 12th. Denise Marshall, Carrie Watts, Michele Kule-Korgood, Selene Almazan, Cynthia Daniels Hall and Diane Willcutts participated. The central message conveyed that

documents are important. They are often the only way that parents get the information they need to be meaningful partners in their child's education. Members indicate that they are provided procedural rights ad nauseam; but important issues such as being provided Prior Written Notice or receiving required response to Due Process complaints.

b. Smarter Balanced Assessment - Consortium and Advocates from the Disability Community COPAA began meeting with Smarter Balanced Assessment Consortium (SBAC) in Summer of 2014. Among the concerns of the disability rights groups was the concern that the assessments were not accessible for students with disabilities. COPAA and other groups, including the National Federation of the Blind (NFB) pointed out that providing accommodations is not a matter of preference or policy but a matter of law. Smarter Balanced (SB) has an obligation to ensure that all students with disabilities participate in state and district assessments under the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act (for those in need of special education), and based on their civil rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, not to be discriminated against and to be provided comparable aids, benefits and services. All students are entitled to the same opportunity as other students without disabilities to demonstrate, and be accurately assessed on, their acquisition of the actual skills and knowledge in the Common Core, by removing barriers that limit their opportunity to do so. 34 C.F.R. § 104.4(b)(1), (2).

c. National Disability Rights Network Civil Rights Roundtable - COPAA was invited to be a part of a Civil Rights Roundtable (CRR) along with other disability and civil rights groups. The discussion has specifically addressed the impact that inclusion in more than one protected group has on a young person's *likelihood of being removed from school and/or referred to the juvenile justice system*. The goals for the roundtable were to:

- Identify core issues that contribute to the disproportionality in school discipline and juvenile justice referrals, particularly for youth who are members of more than one disproportionately impacted group.
- Develop specific recommendations about administrative, regulatory and other actions needed to address these issues. Among the group of dedicated and diverse advocates who joined NDRN in the discussion included: *The Advancement Project, The Alliance for Excellent Education, The American Bar Association, The American Civil Liberties Union, The Judge David L. Bazelon Center for Mental Health Law, The Center for Civil Rights Remedies at UCLA, The Center for Public Representation, The Children's Defense Fund, The Council for Parent Attorneys and Advocates Inc., The Disability Rights Education & Defense Fund, The Gay, Lesbian & Straight Education Network, Georgetown University, The Juvenile Law Center, The Lawyer's Committee for Civil Rights Under Law, The Mexican American Legal Defense and Education Fund, The National Association for the Advancement of Colored People Legal Defense and Education Fund, National Congress of American Indians, The National Disability Rights Network, The National Women's Law Center, The Native American Protection and Advocacy Agency, The Open Society Foundations, The Southern Poverty Law Center, The University of the District of Columbia, The University of Maryland.*

The CRR group has provided a list of priorities to Congressional leaders seeking to revise Title I and Title II of the ESEA. These priorities include but are not limited to: Local Educational Agencies (LEAs) should assess the extent to which there are significant discipline disparities among protected groups, using an analysis of data submitted in response to the U.S. Department of Education's Civil Rights Data Collection and other sources. When indicated by this analysis, LEAs should require these schools to identify and implement evidence-based, school wide discipline policies and practices to reduce and prevent discipline issues and disparities. LEAs should develop an effective method to collect and report data in the aggregate and disaggregate, and cross-tabulated by sex, race, and disability, for the following:

- School discipline (including in and out of school suspensions, expulsions, school-based arrests and referrals to law enforcement);
- The underlying conduct that was the basis for the disciplinary action
- Lost-instructional time for students who are present for less than a "full school day"

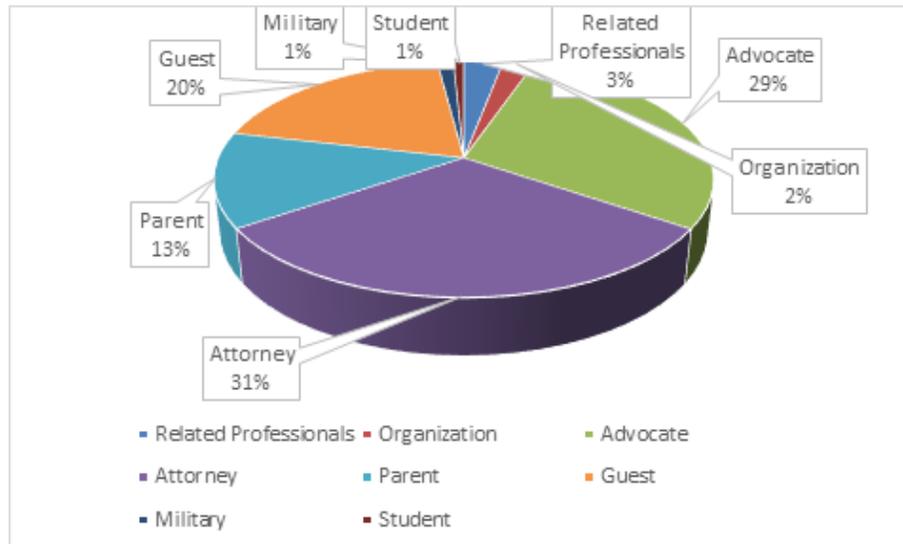
COPAA's Response to the DOJ *Dear Colleague Letter* on schools' obligations to students with Communication needs protected by the ADA and Section 504:

COPAA was pleased to see that the DOJ had issued guidance on communication reinforcing that is a 'critical part of school', in fact, communication is recognized by scholars as a key skill to enable a student to self-direct and to be college and career ready and today's guidance generally supports and upholds what the 9th Circuit Court of Appeals held to be true in 2013 [in *K.M. v. Tustin Unified School District*]: students with communication needs must be fully addressed by schools and three federal laws work in sync to assure this can happen. The FAQ is helpful because it requires schools to 'provide the aid or service requested unless the school can prove that a different auxiliary aid or service is as effective in meeting the student's communication needs.

The U.S. Department of Justice 2012 (DOJ) amicus brief and the 2014 federal appeals court decision [on *K.M. v. Tustin*], emphasize that Section 504 of the Rehabilitation Act of 1973, The Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) have *different protections*; the school's obligation to provide a student with a disability effective communication is *independent of the schools* obligation to provide a free appropriate public education; and, that the IDEA and ADA *requirements and defenses are separate.*" COPAA's concern that the DOJ emphasize that public policy mandates affording children with disabilities the full benefit that all three statutes convey, not just the floor provided by one of them was heard by DOJ and COPAA stands ready to work with the DOJ to ensure that students with communication needs are accommodated in academic and non-academic settings.

Membership Committee

Co-Chairs: Missy Alexander and Dana Jonson



COPAA currently has 1651 active members.

The committee's primary activities during the past year were addressing issues surrounding COPAA's exception process for membership and reaching out to law school clinics. Moving forward, the Committee hopes to spend more time addressing its global goals of increasing membership, increasing retention of members, and outreach both to COPAA's members and to potential members.

Specific Goals / Activities for 2015-16:

- Continue to work towards overall goals for growth as established by COPAA's Strategic Planning
- Promote and increase awareness of COPAA in the public and with potential members
- Implement specific strategies for outreach to low membership states, , law school clinics, students
- Explore ways to highlight membership benefits and the possibilities of additional benefits, in order to increase retention:
 - Engage Parent Subcommittee
 - Insurance Benefits
 - Mentoring
 - Other

Media Relations Committee

Co-Chairs: Susan Bruce and Julie Swanson

COPAA worked with Media consultant Michael Tirrell in the past year to articulate key messages for the organization. The work of the committee is focused on raising national awareness of COPAA as the leading non-profit Protecting Rights, Creating Opportunities and Changing Lives for students with disabilities and their families. COPAA needs to strengthen our voice and tell our stories on improved outcomes for students and families. Specifically this year we will work on:

1. Media Toolkit for members
 - a. COPAA mission, stats and key messages
 - b. Policy 2-pagers
2. Issue Specific (i.e ESEA) Stories/Network
 - a. Response
 - b. Proactive
3. Impact/Profile Stories (see attached possibilities to start)
 - a. Website under Our Work

Publications Committee

Co-Chairs Alexis Casillas & Catherine Merino Reisman

Since the last Board meeting the Publications Committee convened a telephonic meeting on September 23, 2014. During that meeting the committee discussed three projects that we were interested in completing (Updating the checklists we keep on the COPAA website; COPAA compilation of rights by topic area, and a database of judges and their track record on special education issues).

COPAA Publication on Topical Responses

We are presently collecting drafts on the following topics:

- Assessment:
- Initial
- IEE
- Re-evaluations
- Timelines
- State issue: MA has “extended evaluations”
- Behavior Intervention
- Behavior Plans
- FBA
- Disability Categories
- Discipline
- Manifestation Determination
- Expulsion
- Suspension
- FBA
- ESY
- General Education
- Goals
- Grades/Grading Standards
- Home/Hospital Instruction
- 1:1 Aides
- Parental placement
- Records
- Related Services
- Adaptive Physical Education
- Audiological Services
- Orientation and Mobility

- Residential placements
- Reimbursements
- Consent
- Limited
- Revocation
- Age of Majority
- Surrogates
- Surrogate Parents
- Suspensions
- Transition
- Other?

We have about ½ of these in first draft form and are awaiting the second projects for all of our volunteers.

Checklists

On the Checklist project we also decided that we would update the due process and IEP checklists and get a new checklist for IEEs, Positive Behavior Supports, and Transition. Drafts for these updated checklists are due shortly and we are following up with the volunteers. We hope to have the updated checklists completed before June 30, 2015 so that they can go “live” on the website July 1, 2015.

Judge Database

The judge database has raised some logistical issues that we will be working on during the 2016 term. For example, we need to meet with our tech ladies to see if they can keep it confidential. We also need to figure out how these profiles would be stored and what they would be linked to (opinions, contact information for people who have appeared before them, etc.). We would, ideally, hope to get these logistical issues addressed before March of 2017 so that we could invite people to volunteer during the 2017 COPAA conference to spend Sunday afternoon with us inputting information.

Scholarship Committee

The Scholarship Committee administers the restricted Beth Goodman Scholarship Fund on behalf of the Board. Each year the committee raises about \$6,000 for the fund and awards 5-7 scholarships for members of the COPAA to attend the annual conference. Since 2003, COPAA has awarded 5-7 Beth Goodman memorial scholarships each year to COPAA members who have made significant contributions to special education advocacy but could not otherwise afford to attend the conference.

Training Committee

Co-Chairs: Mandy Favaloro and Eileen Crumm

The strategic goals related to the Training Committee for 2012-2017 included the following:

- 1) Delivery of regional trainings, along with the Conference Committee and Litigation Workgroup
- 2) Expand use of technology to deliver training

- 3) Expand Webinar subscriptions at all levels
- 4) Implement national SEAT training including completing 4 presentations within 5 years.

In addition, the Training Committee has recently been asked to expand online offerings to include more topic specific advocacy trainings.

The Training Committee has been able to meet several of these goals over the last several years, with expanded use of WebEx to deliver three SEAT cohorts since 2012, continuing to work closely with staff to offer webinar series several times per year and increasing the webinar subscriptions since 2012.

The Training Committee is currently exploring the idea of regional trainings via duplication of SEAT in certain regional areas where an interest has been expressed. The discussion has focused on maintaining core curriculum and level of quality while creating a variety of SEAT offerings.

In order to address the issue of additional advocacy trainings the Committee is exploring topic specific classes (which might include 4-12 session classes on issues like due process for advocates, negotiation and the IEP processes, integrated autism advocacy: IDEA and health insurance funded services). The training committee is considering surveying former SEAT students and COPAA advocates to see which 'advanced' series may be of interest to our membership. In order to accomplish the above goals the Training Committee will recruit additional members to work on these projects.

Thank you Volunteers

Elizabeth Aaronson, Renay Zamloot, Joan Alessandri, Melissa Alexander, Selene Almazan, Sandra Alperstein, Pat Alvarez, Dorothy Anthonny-Odgren, Dean Asher, Nigel Atwell, Karri Axtell, David Bach, Greta Bailey, Mary Baker, C. Lara Bakshi, Tamara Ballou, Jana Barnett, Juliet Barraza, Sabrina Bazemore, Michelle Becker, David Beinke, Annemarie Berg, Robert Berlow, Matthew Bernstein, Amy Betts, Sheri Bianchin, Patricia E. Black, Kanako Blondet, Augusto Blondet, Tanya Bokk, Catherine Borzi, Jen Breeding, John Brent, Monika Brooks, Jessica Brown-Clark, Susan Bruce, Anna Brynild, Laura Busby, Jill Calian, Jamie Caplan, Lisa Carey, Alexis Casillas, Jackie Chadwick, Lucie Chansky, Kimberly Chen, Tamala Choma, Bridget Claycomb, Pamela Cleary, Angela Cleveland, Jennifer Coco, Mary Carol Coffman, Matthew Cohen, Jackie Coleman, Alicia Coleman-Clark, Julia Conlin, Jonathan Corchnoy, Patricia Craig, Gail Crenshaw, Stephanie Crossman, Eileen Crumm, Michael J. Cuddy, Anita Cutrara, Lynn Dalton, CynthiaDaniels-Hall, Samantha Davis, Deb Davis, Alison Davis, Doris Davis, Ross Day, Gina Decrescenzo, Sharman Dennis, Phillip DeRuntz, Camille Desnoyers, Carmen Diaz, Carol Dimas, Mary Eaddy, Barbara Ebenstein, Paul Eisenberg, Jamie Epstein, Carol Esposito, Elizabeth Eubanks, Debra Evans, Mandy Favaloro, Andrew Feinstein, Faith Filiault, Gregory Finkelstein, Amber Foote, Robyn Forbes Drucker, Amanda Ford, Rita Ford, Kevin Forsberg, Hadassah Foster, Kim Foster, Dore Frances, Michai Freeman, Betsy Gamse, John Gant, Alicia Gant, David Garcia, Bonnie Garza, Julie Gaughran, Louis Geigerman, Josephine Gibney, Michael Gilberg, Justin Gilbert, Craig Goodmark, Peggy Goulding,

Judith Gran, David M. Grey, Vincent Griski, Michelle Groogan, Naomi Grossman, Judy Halaby, Michelle Hall, Jennifer Halper, Christopher Hamilton, Kirstin Hamman, Jenna Hanecak, Neiani Hartigan, Elissa Henkin, De Hereira, Franklin Hickman, Dayon Higgins, Melissa Hinkley, Nancy Holm, Beth Hopwood, Lawrence Huebner, Felicia Hurewitz, Allison Hyatt, Ann Iuliano, Deborah Jacobson, Jay Jambeck, Chrystal James, Alyssia James, David Jefferson, Nicole Jimerson, Catherine Johnson Sonia Johnson, Dana Jonson, Camille Jordan, Mark Kamleiter, Christie Karcher, Julianne Kelley, Seamus Kelly, Sonja Kerr, Michael Kinser, Sally Kirk, Nancy Klucher Christian Knox, Marina Kobryn, Missy Koslosky, Leigh Kretzschmar, Erica Krikorian, Michele Kule-Korgood, Cindy Lane, Stephanie Langer, Amy Langerman, Heike Lasoski, Carla Leader, Linda Leenstra, Matthew Lehman, Jennifer Lehnen, Jeffrey Levenson, Barry Levine, Lisa Lightner, Marcie Lipsitt, Craig Liu, Debra Liva, Lolalee Livingston, Honey Low, Cara Lucier, Susan Luger, Tom Lundy, Leslie Margolis, Raja Marhaba, Mark Martin, Luz Adriana, Martinez, Laurie Martucci, Sara Mauk, Ellen Mavriplis, Marilyn McClure, Belinda McGhee, Kerry McGrath, Gerry McMahon, Shenikwa Medlock, Charles Meier, Ann Mergler, Catherine Michael, Zoe Migel, Nicole Miller, Rebecca Miller, Cheryl Miller-Bannister, Goviana Morales, Kristianna Moralls, Tammy Mullon, Anne Munkenbeck, Dina Muralt, Linda Naylor, Alice Nelson, Courtney Newman, Allen Enicolari, Jennifer Nohavandi, Rene Norman, Charlotte Norris, Meagan Nunez, Sarah Olsen, Richard O'Meara, Edward O'Neill, Martina Ortega, Daysi Ortiz, Michelle Overton, Gail Parker, Colleen Parker, Piper Paul, Maia Pawooskar, Keith Peck, Mary Peitso, Gloria Perez-Stewart, Deborah Pergament, Laura Perry, Lauren Peterson, Dorene Philpot, Ruth Pierce, Cheryl Poe, Liz Porcelli, LaJoyce Porter, Debra Poulin, Linda Pratt, Amanda Pyc, Charlene Quade, Sharon Ramage, Victoria Reed, Catherine Reisman, Missy Renaud, Donna Riccobono, Angeli Rios, Lucas Rogers, Judith Ruffulo, Jamie Ruppman, Ellen Saideman, Nicole Saldana, Jenna Scancarello, Michele Scavongelli, Nicole Schaper, Carolyn Sellars, Kristie Sepulveda-Burchit, Matthew Sester, Sande Shamash, Nicole C Shelton, Sandra Shove, Patricia Anne Siehl, Susan Skotzke, Denise Smith, Dawn Smith, Elise Snyder, Andrea Spencer, Sally Stanfield, Donna Stariha, Wayne Steedman, Betsy Stevens, Susan Stone, Leslie Strasser Murdock, Chan Stroman, Margaret Suter, Julie Swanson, Tauna Szymanski, Audra Talbot, Diane Taranto, Jami Thomas, Laura Tomkins, Taylor Tremel, Kelly Tribble, Spencer, Maureen van Stone, Marilyn Veincentotzs, Nydia Vilorio, Nicole Vodnoy, Johna Jason Wallace, Julia Wallace, Monica Watts, Carrie Watts, Stan Wayne, Stephanie Weigel, Evalynn Welling, Tania Whiteleather, Diane Willcutts, Marie Wood, Quantosha Woodard, Mark Woodsmall, Kaitlyn Wright, Anne Zachry, Loretta Zayas-Revai, Jonathan Zimring.

Thank you Donors

COPAA Benefactors

Andrew Cuddy
Andrew A. Feinstein
Margaret A. Kohn,
Mark Martin
Catherine Merino Reisman

COPAA Gold Donors

Bertha's Mussels
Gloria Perez-Stewart,
Marguerite Wagner

COPAA Supporters

Sheri and Bruce Abernethy
Melissa Alexander
Selene Almazan
Fred Andresky
David Beinke
Robert Berlow
Patricia Blum,
Alexis Casillas

Jacqueline Coleman
 Michael Covert
 Robert Crabtree
 Anita H Cutrara,
 Cynthia Daniels-Hall
 Judith Drew
 Mandy Favaloro
 Paul Friedman
 Donna Gilcher
 Franklin Hickman, Marcie
 Hipple
 Steve Imber
 Stanley Jaskiewicz
 Dana Jonson
 Mark Kamleiter
 Sally Kirk
 Julie Klein

Marcus Klein
 Michele Kule-Korgood
 Andree Larose
 Jennifer Laviano
 Marcie Lipsitt
 Leslie Margolis
 Denise Marshall
 Mark Martin
 Constance Means
 Jill Mueller
 Bertha's Mussels
 Cynthia Nelson
 Alice Nelson
 Nancy Nemhauser
 Lisa Perez
 Gloria Perez-Stewart

Cheryl Poe
 Patrick Radel
 Julie Reiley
 Catherine Reisman
 Russell Sibley
 Jodi Siegel
 Richard and Kathleen Stile
 Lizette Tavarez
 Sharon Tropf
 Joseph Tulman
 Maureen van Stone
 Marguerite Wagner
 Carolina Watts
 Diane Willcutts
 Anita Wong
 Jonathan Zimring

Board of Directors

Sincere thanks for their many years of service to outgoing Board members Selene Almazan, Sharon Gudger, Alice Nelson, and Lana Traynor. Welcome to our newly appointed Board members Matthew Cohen, Michael Gilberg and Cheryl Poe.

COPAA Board of Directors (2015-2016)

Officers:

Mark Martin, Esq., Chair (MD)
 Michele Kule-Korgood, Esq., Vice-Chair (NY)
 Dana Jonson, Esq., Treasurer (CT)
 Susan Bruce, Secretary (SC)

Board Members:

Missy Alexander (MD)
 David Beinke (TX)
 Alexis Casillas, Esq.(CA)
 Matthew Cohen, Esq, (IL)
 Eileen Crumm (CA)

Cynthia Daniels-Hall (NC)
 Mandy Favaloro, Esq. (CA)
 Andrew Feinstein, Esq. (CT)
 Michael Gilberg, Esq. (NY)
 Franklin J. Hickman, Esq. (OH)
 Mark S. Kamleiter, Esq. (FL)
 Jennifer D. Laviano, (CT)
 Catherine Merino Reisman (NJ)
 Gloria Perez-Stewart (CA)
 Cheryl Poe (VA)
 Maureen van Stone, Esq. (MD)
 Carolina Watts, JD, Immediate Past Chair (CA)
 Diane Willcutts (CT)
 Jonathan Zimring, Esq. (GA)

COPAA Staff

Denise Marshall, Executive Director
 Selene Almazan, Legal Director
 Marcie Hipple, Membership and Conference Coordinator
 Mary Fornoff, Accountant
 Jamie Anderson, Membership Assistant