Special Education Law & Related Services
Online Training for Attorneys

Course Description
This online course reviews legislated and litigated requirements for special education and related services for students with disabilities. It is intended as an Introductory Skill Building course for attorneys new to the practice of special education law. Participants explore in-depth federal law and case law and the importance of securing appropriate services and supports for students with disabilities. The course includes reading and written assignments outside of the interactive live class.

Textbook
Please purchase the 5th edition for use with this course.
Cost: approx. $154.00 e-book on RedShelf; Amazon prices vary.

The publisher has issued a 2022 Supplement for our textbook. It is available in COPAA Connect and can also be found here: https://cap-press.com/pdf/WeberSpecialEdLaw5e2022SuppWM.pdf

About COPAA
- Click here to read COPAA’s Mission
- Click here to read COPAA’s Diversity Statement

Objectives
At the end of this course, the participant will be able to
1. Demonstrate an awareness of the primary federal laws enacted after the early 1960s that continue to have an effect on special education and other services for persons with disabilities.
2. Identify and describe the major features of the most important judicial decisions that deal with the educational rights of students with disabilities and their families.
3. Demonstrate a working knowledge of the major requirements placed on the delivery of special education services by the federal special education statute, the Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1400, et seq.) and regulations (34 C.F.R. Part 300).
4. Demonstrate an in-depth knowledge of case law and its application to the following areas of importance: (1) evaluation and assessment, (2) discipline/ suspension/ expulsion, (3) extended school year services, (4) least restrictive environment, (5) the definition of a “free appropriate public education,” (6) child find, (7) Individualized Education Program (IEP) requirements; (8) related services (9) stay put/pendency (10) compensatory education (11) residential placement/private school placement (12) dispute resolution processes
WEEK 1: OVERVIEW OF COURSE CONTENT AND REQUIREMENTS

Date: Thursday, September 7, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

Learning goals:

Participants will

- Be able to identify the early disability issues including the concepts and premise for normalization and deinstitutionalization.
- Read, analyze, and understand the beginnings of change, specifically Kennedy’s 1963 Message to Congress.
- Read and analyze early legislation and the government’s role in education including the following public laws from the early 1960s/mid 1960s.
- Be able to identify the key elements of the early ESEA and the impetus behind the legislation and be able to compare and contrast the 1966 ESEA amendments and 1967 ESEA Amendments with the NCLB of 2000.
- Review:
  - P.L. 89-10, The Elementary and Secondary Education Act (ESEA) of 1965
  - P.L. 89-750, The ESEA Amendments of 1966
  - ESSA materials

Assigned Reading – Due Prior to Class:

- Handouts: Kennedy’s Message to Congress 1963; Research Reading; Acronyms; etc.
WEEK 2: RIGHT TO EDUCATION

Date: Thursday, September 14, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT
Invited Guest: Jonathan Zimring, Esq.

Learning Goals:
Participants will
• Analyze the first “right to education” litigation.
• Be able to identify the constitutional basis for “right to education” litigation/case law:
  o P.A.R.C. v. Commonwealth of Pennsylvania
  o Mills v. Board of Education
• Be able to identify the key elements of the early EHA, the 1990 amendments, the 1997 amendments and the 2004 changes as well as developments in federal legislation and litigation since 1975

Assigned Reading – Due Prior to Class:

• Textbook: Weber, 5th ed.: Chapter 1

Class Readings

P.L. 94-142, The Education of All Handicapped Children Act of 1975
  • P.L. 98-199, Education of the Handicapped Act Amendments of 1983
  • P.L. 101-476, The Individuals with Disabilities Education Act of 1990
  • P.L. 105-17, Individuals with Disabilities Education Act Amendments of 1997
  • P.L. Individuals with Disabilities Education Improvement Act Amendments of 2004
  • Federal regulations governing Part B of IDEA

Assignment #1 - Due September 28, 2023:

CHOOSE ONE: The right to education cases or the deinstitutionalization cases.
WEEK 3: SUBSTANTIVE & PROCEDURAL RIGHTS IN IDEA

Date: Thursday, September 21, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

Learning Goals:

Participants will

- Be able to identify the substantive and procedural rights found in the IDEA.
- Read and analyze *Winkelman* in order to differentiate the due process rights inherent in the IDEA for parents and students
- Be able to identify elements of FAPE; case law as it relates to *Endrew F.*; stay put.
- Be able to identify elements of LRE; current case law in each circuit.
- Be able to identify elements of claims for compensatory education as equitable relief under the IDEA

Assigned Reading – Due Prior to Class:

- **Textbook: Weber, 5th ed.:**
  - Chapter 3 (sections A, B, C, and D only)
  - Chapter 5
  - Chapter 6
  - *Draper v. Atlanta Ind. Sch. Sys.* (in Chapter 8)
  - *Fry v. Napoleon Cmty. Schs.* (in Chapter 10)

- **Available in COPAA Connect:**
  - *Reid v. D.C.*
  - *Winkelman v. Parma*
  - *D.R. v. Redondo Beach*
  - COPAA outline and materials on compensatory education,
WEEK 4: CHILD FIND AND TRANSITION

Date: Thursday, September 28, 2023 · 4:00 – 6:00 PM ET / 1:00-3:00 PM PT
Invited Guests: Jean Murrell, Esq. and Lisa Hernandez, Esq.

Learning Goals:
Participants will

- Be able to identify elements of Child Find and current case law regarding child find.
- Be able to understand the coordinated set of activities that school districts must provide to older children to facilitate the child’s movement from school to post-secondary activities.

Assigned Reading – Due Prior to Class:

- Textbook: Weber, 5th ed.:
  - Chapter 2
  - Chapter 4, Part C.3

WEEK 5: SUBSTANTIVE & PROCEDURAL RIGHTS IN SECTION 504

Date: Thursday, October 5, 2023 · 4:00 – 6:00 PM ET / 1:00-3:00 PM PT
Invited Guest: Catherine Merino Reisman, Esq.

Learning Goals:

- Participants will be able to identify
  - The substantive and procedural rights found in Section 504.
  - Elements of FAPE, LRE, and Child Find.

- Participants will read and analyze Cummings v. Premier Rehab Keller (available in 2022 supplement to course textbook, provided).

Assigned Reading – Due Prior to Class:

- Textbook: Weber, 5th ed.:
  - Review Chapter 2 (Eligibility)
  - Chapter 10 section B (pages 885-937)

- Available in COPAA Connect: Cummings v. Premier Rehab Keller
Assignment #2 - Due October 19, 2023:
Written analysis of the current case law by circuit of one of three: FAPE, LRE, Child Find.

WEEK 6: STUDENT DISCIPLINE & EXPULSION

Date: Thursday, October 12, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

Learning Goals:
Participants will be able to identify
- Key statutory and regulatory requirements for discipline and expulsion.
- The educational and constitutional issues related to restraint and seclusion.
- Arguments against the use of restraint and seclusion.
- Statutory and regulatory requirements for Manifestation Determination, including FBAs and BIPs.

Assigned Reading – Due Prior to Class:
- Textbook: Weber, 5th ed.: Chapter 9
- Available in COPAA Connect: Materials on Police Intervention and School-to-Prison issues

WEEK 7: NON-PUBLIC SCHOOLS & NECESSARY COMPONENTS OF AN IEP

Date: Thursday, October 19, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT
Invited Guests: Michele Kule Korgood, Esq.; Jennifer Laviano, Esq.

Learning Goals:
Participants will be able to identify
- Non-Public Schools:
  - The elements related to obtaining a private school placement at public expense.
- IEPs:
  - The necessary components of an IEP; the required participants; the frequency; prior written notice (PWN); present levels of academic and functional performance; progress reporting requirements.
**Assigned Reading – Due Prior to Class:**

- **Textbook:** Weber, 5th ed.:
  - Chapter 4
  - Chapter 7

**WEEK 8: IEP STRATEGY**

**Date:** Thursday, October 26, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

Invited Guest: Jonathan Zimring, Esq.

**Learning Goals:**

Participants will be able to
- Develop and Practice IEP Strategy.
- Identify present levels, goals (setting up services) and services (setting up placement), including the use of data to drive IEP goals and analyze progress.

**Assigned Reading – Due Prior to Class:**

- **Textbook:** Weber, 5th ed.: Review Chapter 5
- **Available in COPAA Connect:** COPAA IEP Checklist (2012)

**Assignment #3 - Due November 9, 2023:**

*Written assignment.* Written analysis of Restraint and Seclusion case law.

**WEEK 9: DEVELOPING A CASE PLAN**

**Date:** Thursday, November 2, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

**Learning Goals:**

- Participants will be able to develop a Case Plan based upon a hypothetical (same one as the one they will use for assignment #4).
- Participants will be able to focus the issues; identify the main relief child needs.
• Participants will be able to identify strategies for resolution; what is needed before due process requested.

**WEEK 10: PROCEDURAL SAFEGUARDS – MEDIATION, COMPLAINTS, DUE PROCESS, RESOLUTION SESSIONS & COMPENSATORY EDUCATION**

**Date:** Thursday, November 9, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

**Learning Goals:**

Participants will be able to identify

- The main goals of mediation and a strategy for settlements.
- The timing and use of State and U.S. Dept. of Education Complaints.
- The elements for a Due Process request.
- The use and strategy for Resolution Sessions.
- The elements for reimbursement and compensatory education.

**Assigned Reading – Due Prior to Class:**

- **Textbook:** Weber, 5th ed:
  - Chapter 8
  - Chapter 10
  - Chapter 11

- **Available in COPAA Connect:** COPAA Due Process Checklist (2012)

**Assignment #4 - Due November 30, 2023:**

*Written assignment.* Participants will draft a due process hearing request.

**WEEK 11: SECTION 504, BULLYING & HARASSMENT & EFFECTIVE COMMUNICATION**

**Date:** Thursday, November 16, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT

**Learning Goals:**

Participants will be able to understand

- Section 504
- Bullying and harassment
- Effective Communication
- GNETS
Assigned Reading – Due Prior to Class:

- Available in COPAA Connect: Cases and Materials on ADA, service animals, GNETS, Section 504, etc.

WEEK 12: REGULATIONS GOVERNING TITLE II

Date: Thursday, November 30, 2023 · 4:00 – 6:00 PM ET/ 1:00-3:00 PM PT
Invited Guests: Catherine Merino Reisman, Esq. and Judith Gran, Esq.

Learning Goals:

Participants will be able to identify:

- The key elements of Regulations governing implementation of Title II, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities of the Americans with Disabilities Act of 1990 and Section 504

- Review of Due Process assignment.