

# Special Education Law & Related Services Online Training for Attorneys

## A. Course Description

This online course reviews legislated and litigated requirements for special education and related services for students who have 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 to secure appropriate services and supports for students with disabilities. Course includes reading and written assignments outside of the interactive live class.

## B. Objectives

At the end of this course, the student 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. List 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 Federal (34 CFR 300) special education regulations.
4. Demonstrate an in-depth knowledge of case law and its application to the following areas of importance: such as (1) evaluation and assessment, (2) discipline/suspension/expulsion, (3) extended school year services, (4) least restrictive environment, (5) the definition of an “appropriate education,” (6) child find, (7) Individualized Education Program requirements; (8) related services (9) stay put/pendency (10) compensatory education (11) residential placement/private school placement (12) state complaint process .

Textbook: Weber, M., Mawdsley, R., Redfield, S. (2013). Special Education Law: Cases and Materials (4<sup>th</sup> Edition). North Carolina: Carolina Academic Press (<http://www.cap-press.com/books/isbn/9780769865058/Special-Education-Law-Fourth-Edition>). (Don't forget to download the free 2016 supplement from the same site).

Cost: **approx. \$112.00 e-book; CHEGG rental \$45.99; Amazon prices vary.**

Session	TOPICS TO BE COVERED (approximate)	Readings	Assignments
<p>S1 – Th, 8/30/18 4:00 – 6:00 PM Eastern</p>	<p>Overview of course content and requirements</p> <ul style="list-style-type: none"> <li>• Participants will be able to identify the early disability issues including the concepts and premise for normalization and deinstitutionalization</li> <li>• Participants will read, analyze and understand the beginnings of change specifically Kennedy's 1963 Message to Congress</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Participants will read and analyze early legislation and the Government's Role in Education including the following public laws from the early 1960s/mid 1960s:</li> <li>• Participants will be able to identify the key elements of the early ESEA; 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.</li> <li>• Participants will read:               <ol style="list-style-type: none"> <li>1. P.L. 89-10, The Elementary and Secondary Education Act of 1965</li> <li>2. P.L. 89-750, The ESEA Amendments of 1966</li> <li>3. P.L. 90-247, The ESEA Amendments of 1967</li> <li>4. ESSA materials</li> </ol> </li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p> <p><u>Handouts:</u> Kennedy's Message to Congress 1963; Research Reading; Acronyms</p>	
<p>S2 – Th, 9/7/18 4:00 – 6:00 PM</p>	<ul style="list-style-type: none"> <li>• Participants will analyze the first "right to education"</li> </ul>	<p>Textbook: Weber, <u>Special Education</u></p>	<p>#1 Written assignment</p>

<p>Eastern Invited GUEST SPEAKER; Jonathan Zimring, Esq.</p>	<p>litigation</p> <ul style="list-style-type: none"> <li>• Participants will be able to identify the constitutional basis for “right to education” litigation/case law. <ul style="list-style-type: none"> <li>○ <u>Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania</u></li> <li>○ <u>Mills v. Board of Education</u></li> </ul> </li> <li>• Participants will 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</li> </ul> <p>Session will include these readings:</p> <ol style="list-style-type: none"> <li>1. P.L. 94-142, The Education of All Handicapped Children Act of 1975</li> <li>2. P.L. 98-199, Education of the Handicapped Act Amendments of 1983</li> <li>3. P.L. 99-457, The Education of the Handicapped Act Amendments of 1986</li> <li>4. P.L. 101-476, The Individuals with Disabilities Education Act of 1990</li> <li>5. P.L. 105-17, Individuals with Disabilities Education Act Amendments of 1997</li> <li>6. P.L. Individuals with Disabilities Education Improvement Act Amendments of 2004</li> <li>7. Federal regulations governing Part B of IDEA</li> </ol>	<p><u>Law: Cases and Materials</u> Chapter 1</p>	<p><b>due 9/13/18</b> A review of the history of early disability litigation <b>CHOOSE ONE:</b> the right to education cases or the deinstitutionalization cases</p>
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<p>S3– Th, 9/20/18 4:00 – 6:00 PM Eastern</p>	<ul style="list-style-type: none"> <li>• Participants will be able to identify the Substantive and Procedural rights found in the IDEA;</li> <li>• Participants will read and analyze <i>Winkleman</i> in order to differentiate the due process rights inherent in the IDEA for parents and students.</li> <li>• Participants will be able to identify elements of FAPE; current case law as it relates to <i>Rowley</i>; stay put</li> <li>• Participants will be able to identify elements of LRE; current case law in each circuit.</li> <li>• Participants will be able to identify elements of Child Find and current case law regarding child find.</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapters 2,5 and 6 <i>See also</i> Chapter 7 page 337</p> <p>Eligibility Checklist: <i>A Simple Tool to Assess Eligibility</i> (2015) <i>By: Jill Rowland, Esq. &amp; Danielle Tenner, Esq.</i></p> <p>Checklist: <i>Quality Indictors for Inclusive Building-Based Practices</i> (2011) Maryland Collation for Inclusive Education</p>	
<p>S4– Th, 9/27/18 4:00 – 6:00 PM Eastern</p> <p>Invited Guest – Catherine Merino Reisman, Esq.</p>	<ul style="list-style-type: none"> <li>• Participants will be able to identify the Substantive and Procedural rights found in the Section 504;</li> <li>• Participants will be able to identify elements of FAPE; LRE and Child Find</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 2, page 57; Review Chapter 2 (Eligibility) Chapter 10, pages 489-513</p>	
<p>S5– Th, 10/4/18 4:00 – 6:00 PM Eastern</p> <p>Invited Guests: Mark Martin, Esq. Denise Marshall, MS</p>	<ul style="list-style-type: none"> <li>• Participants will be able to identify key statutory and regulatory requirements for Discipline and Expulsion</li> <li>• Participants will be able to identify the educational and constitutional issues related to Restraint and Seclusion.</li> <li>• Participants will be able to</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 9</p>	<p># 2 <b>Due: 10/4/18</b> Written analysis of the current case law by circuit of one of three: FAPE, LRE, Child</p>

	<p>identify those arguments against the use of restraint and seclusion</p> <ul style="list-style-type: none"> <li>Participants will be able to identify the statutory and regulatory requirements for Manifestation Determination; including FBAs and BIPs.</li> </ul>		Find
<p>S6– Th, 10/11/18 4:00 – 6:00 PM Eastern Invited Guests: Michele Kule Korgood, Esq.; Jennifer Laviano, Esq.</p>	<ul style="list-style-type: none"> <li>Non Public Schools: Participants will be able to identify the elements related to obtaining a private school placement at public expense</li> <li>IEPs: Participants will be able to identify the necessary components to an IEP; the required participants; the frequency; Prior written notice (PWN); present levels of academic and functional performance; progress reporting requirements.</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p> <p>Chapter 2, page 79; Chapter 4; Chapter 8 pages 386-438</p>	
<p>S7– Th, 10/18/18 4:00 – 6:00 PM Eastern Invited Guests: Jonathan Zimring, Esq.</p>	<ul style="list-style-type: none"> <li>Develop and Practice IEP Strategy</li> <li>Participants will be able to identify present Levels; goals (setting up services) and services: (setting up placement); including the use of data to drive IEP goals and analyze progress</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p> <p>Chapter 5. Example of IEP goals beginning page 238</p> <p>COPAA IEP Checklist (2012)</p>	<p>#3 Written analysis of Restraint and Seclusion case law. <b>DUE: 11/1/18</b></p>
<p>S8– Th, 10/25/18 4:00 – 6:00 PM Eastern</p>	<ul style="list-style-type: none"> <li>Review of New Supreme Court cases: <i>Endrew F.</i> and <i>Fry</i></li> <li>Application of each in present day</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p> <p>Chapter 8 and</p>	

	<ul style="list-style-type: none"> <li>• Review of Compensatory Education claims</li> <li>• Review of Related Services cases</li> </ul>	<p>Chapter 7 <u>Handouts</u> Read both cases and COPAA’s amicus briefs</p>	
S9– Th, 11/1/18 4:00 – 6:00 PM Eastern	<ul style="list-style-type: none"> <li>• Participants will be able to develop a Case Plan based upon a hypothetical (same one as the one they will use for assignment #4)</li> <li>• Participants will be able to focus the issues; identify the main relief child needs</li> <li>• Participants will be able to identify strategies for resolution; what is needed before due process requested</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p>	
S10– Th, 11/8/18 4:00 – 6:00 PM Eastern	<ul style="list-style-type: none"> <li>• Participants will be able to identify the main goals of Mediation and a strategy for settlements.</li> <li>• Participants will be able to identify the timing and use of State and US DOE Complaints</li> <li>• Participants will be able to identify the elements for a Due Process request</li> <li>• Participants will be able to identify the use and strategy for Resolution Sessions</li> <li>• Participants will be able to identify the elements for Reimbursement and Compensatory Education</li> </ul>	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p> <p>Chapter 8 and Chapter 10</p> <p>COPAA Due Process Checklist (2012)</p>	<p><b>#4</b> <b>Due November 29, 2018</b> Participants will draft a due process hearing request</p>
S11 Th 11/15/18 4:00-6:00 pm Eastern	<ul style="list-style-type: none"> <li>• Section 504;</li> <li>• Bullying and harassment</li> <li>• Effective Communication</li> <li>• GNETS</li> </ul>	<p>Handouts</p>	
S12 Th, 11/29/18	<ul style="list-style-type: none"> <li>• Participants will be able to</li> </ul>	<p>Textbook: Weber,</p>	

<p>4:00 – 6:00 PM Eastern Invited Guests Catherine Merino Reisman, Esq. Judith Gran, Esq.</p>	<p>identify the key elements of Regulations governing implementation of Title III, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, of the Americans with Disabilities Act of 1990 and Section 504</p> <ul style="list-style-type: none"><li>• Review of Due Process assignment</li></ul>	<p><u>Special Education Law: Cases and Materials</u></p>	
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