

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:

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 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.

C. Textbook

Weber, M., Mawdsley, R., Redfield, S. (2013). Special Education Law: Cases and Materials (4th 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, 9/03/20 4:00 – 6:00 PM Eastern</p>	<ul style="list-style-type: none"> • Overview of course content and requirements • Participants will identify the early disability issues including the concepts and premise for normalization and deinstitutionalization. • Participants will read, analyze and understand the beginnings of change, specifically Kennedy's 1963 Message to Congress. <hr/> <ul style="list-style-type: none"> • 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. • Participants will 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 <ul style="list-style-type: none"> ○ the NCLB of 2000. • Participants will read: <ul style="list-style-type: none"> ○ P.L. 89-10, The Elementary and Secondary Education Act of 1965 ○ P.L. 89-750, The ESEA Amendments of 1966 ○ P.L. 90-247, The ESEA Amendments of 1967 ○ ESSA materials 	<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, 9/10/20 4:00 – 6:00 PM Eastern</p> <p>Invited Guest: Jonathan Zimring, Esq.</p>	<ul style="list-style-type: none">• Participants will analyze the first “right to education”<ul style="list-style-type: none">○ Litigation.• Participants will identify the constitutional basis for “right to education” litigation/case law.<ul style="list-style-type: none">○ <u>Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania</u>○ <u>Mills v. Board of Education</u>• Participants will 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. <p>Session will include these readings:</p> <ol style="list-style-type: none">1. P.L. 94-142, The Education of All Handicapped Children Act of 19752. P.L. 98-199, Education of the Handicapped Act Amendments of 19833. P.L. 99-457, The Education of the Handicapped Act Amendments of 19864. P.L. 101-476, The Individuals with Disabilities Education Act of 19905. P.L. 105-17, Individuals with Disabilities Education Act Amendments of 19976. P.L. Individuals with Disabilities Education Improvement Act Amendments of 20047. Federal regulations governing Part B of IDEA	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 1</p>	<p>#1 Written assignment due 9/17/20</p> <p>A review of the history of early disability litigation</p> <p>CHOOSE ONE: the right to education cases or the deinstitutionalization cases.</p>
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<p>S3– Th, 9/17/20 4:00 – 6:00 PM Eastern</p>	<ul style="list-style-type: none"> • Participants will identify the Substantive and Procedural rights found in the IDEA. • Participants will read and analyze <i>Winkleman</i> in order to differentiate the Due Process rights inherent in the IDEA for parents and students. • Participants will identify elements of FAPE; current case law as it relates to <i>Andrew F.</i>; modifications and accommodations; stay put. • Participants will identify elements of LRE; current case law in each circuit. • Participants will identify elements of Child Find and current case law regarding child find. 	<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. & Danielle Tenner, Esq.</i></p> <p>Checklist: <i>Quality Indictors for Inclusive Building-Based Practices</i> (2011) Maryland Collation for Inclusive Education</p> <p>Amicus briefs in L.H. (6th Cir.); R.M. (9th Circuit); C.D. (1st Circuit) and Timothy O. (9th Cir.)</p>	
<p>S4– Th, 9/24/20 4:00 – 6:00 PM Eastern</p> <p>Invited Guests: Catherine Merino Reisman, Esq.</p>	<ul style="list-style-type: none"> • Participants will identify the Substantive and Procedural rights found in the Section 504. • Participants will identify elements of FAPE; LRE and Child Find. • Discussion of ESY 	<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># 2 Due: 10/01/20 Written analysis of the current case law by circuit of one of three: FAPE, LRE, Child Find.</p>
<p>S5– Th, 10/01/20 4:00 – 6:00 PM Eastern</p> <p>Invited Guests: Mark Martin, Esq. Denise Marshall, MS</p>	<ul style="list-style-type: none"> • Participants identify key statutory and regulatory requirements for Discipline and Expulsion. • Participants will identify educational and constitutional issues related to Restraint and Seclusion. 	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 9</p>	

	<ul style="list-style-type: none"> Participants identify those arguments against the use of restraint and seclusion. Participants will identify the statutory and regulatory requirements for Manifestation Determination; including FBAs and BIPs. 		
<p>S6– Th, 10/08/20 4:00 – 6:00 PM Eastern Invited Guests: Michele Kule Korgood, Esq.; Jennifer Laviano, Esq.</p>	<ul style="list-style-type: none"> Non Public Schools: Participants will identify the elements related to obtaining a private school placement at public expense. Parentally Placed students IEPs: Participants 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. 	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 2, page 79; Chapter 4; Chapter 8 pages 386-438</p>	
<p>S7– Th, 10/15/20 4:00 – 6:00 PM Eastern Invited Guest: Jonathan Zimring, Esq.</p>	<ul style="list-style-type: none"> Develop and Practice IEP Strategy. Participants will identify present levels; goals (setting up services) and services: (setting up placement); including the use of data to drive IEP goals and analyze progress. 	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 5. Example of IEP goals beginning page 238 COPAA IEP Checklist (2012)</p>	<p>#3 Written analysis of Restraint and Seclusion case law. DUE: 10/22/20</p>
<p>S8– Th, 10/22/20 4:00 – 6:00 PM Eastern</p>	<ul style="list-style-type: none"> Review of New Supreme Court cases: <i>Endrew F.</i> and <i>Fry.</i> Application of each in present day. 	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 7 & 8</p>	

	<ul style="list-style-type: none"> • Review of Compensatory Education claims. • Review of Related Services cases. 	<u>Handouts</u> Read both cases and COPAA’s amicus briefs.	
S9– Th, 10/29/20 4:00 – 6:00 PM Eastern	<ul style="list-style-type: none"> • Participants will develop a Case Plan based upon a hypothetical (same one as the one they will use for assignment #4). • Participants will focus the issues; identify the main relief child needs. • Participants will identify strategies for resolution; what is needed before Due Process requested. 	Textbook: Weber, <u>Special Education Law: Cases and Materials</u>	
S10– Th, 11/05/20 4:00 – 6:00 PM Eastern	<ul style="list-style-type: none"> • Participants identify the main goals of Mediation and a strategy for settlements. • Participants will identify the timing and use of State and US DOE Complaints. • Participants will identify the elements for a Due Process request. • Discussion of Statute of Limitations • Participants will identify the use and strategy for Resolution Sessions. • Participants will identify the elements for Reimbursement and Compensatory Education. 	Textbook: Weber, <u>Special Education Law: Cases and Materials</u> Chapter 8 and Chapter 10 COPAA Due Process Checklist (2012)	#4 Due 11/12/2020 Participants will draft a Due Process hearing request.
S11 Th, 11/12/20 4:00-6:00 pm Eastern	<ul style="list-style-type: none"> • Section 504 • Bullying and harassment • Effective Communication • GNETS 	Handouts	

<p>S12 Th, 11/19/20 4:00 – 6:00 PM Eastern Invited Guests: Catherine Merino Reisman, Esq. Judith Gran, Esq.</p>	<ul style="list-style-type: none">• Participants 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.	<p>Textbook: Weber, <u>Special Education Law: Cases and Materials</u></p>	
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