

California Special Education Law 2017

San Francisco, Live Webcast and www.pli.edu,* October 4, 2017

Why You Should Attend

This has been a particularly important year in Special Education Law as the Supreme Court issued two decisions analyzing the rights of student with disabilities under the Individuals with Disabilities Education Act and other disability rights statutes. This has a widespread impact on California's education system as currently over 700,000 students with disabilities receive special education services in California, comprising about 10 percent of the state's public school enrollment. The California Special Education Law 2017 program will provide attendees with a targeted look at the impact of the Supreme Court cases in addition to analyzing other issues affecting the practice of Special Education Law today.

What You Will Learn

- An analysis of trends and patterns identified in Office of Administrative Hearings' (OAH) cases, including a look at the number of cases filed, statistical information on "wins" for parents and school districts, and the types of cases being adjudicated.
- A parent perspective into special education advocacy, including strategies to improve representation and relationships between advocates on both sides of the table and parents.
- Unique issues in special education that impact students of color.
- Exhaustion in special education cases, including the impact of *Frye* on lawsuits brought under the IDEA, ADA, or Section 504 of the Rehabilitation Act.
- How to define a "free appropriate public education" following the *Endrew* decision.

Who Should Attend

Attorneys, advocates, or parents interested in or currently assisting students/parents or school districts with special education matters. Appropriate for both new and seasoned practitioners.

Program Schedule

9:00

Program Overview and Introductions

Elizabeth F. Eubanks, Maggie Roberts

9:15

A Year-in-Review of Office of Administrative Hearings (OAH) Data Addressing Special Education Issues

OAH is a “quasi-judicial tribunal” that hears administrative disputes, including special education matters brought under the IDEA. OAH’s mission is “to provide a neutral forum and independent resolution of administrative matters, ensuring due process and respecting the dignity of all.” This panel will review and discuss recent data from OAH and discuss trends and issues revealed by this data.

Elizabeth F. Eubanks, Maggie Roberts

10:30

Networking Break

10:45

IDEA and ADA and 504 Claims of Students with Disabilities: The Exhaustion Requirement

This panel will discuss current case law concerning the requirement of exhausting administrative remedies under the Individuals with Disabilities Education Act before filing claims in court. The panel will explore this requirement and limitations on and exceptions to this requirement in the context of bringing individual and systemic claims under IDEA, Section 504 and the Americans with Disabilities Act.

Maronel Barajas, Christine A. Scheuneman

12:30

Lunch

1:30

Special Education Representation from a Parent’s Perspective

The transactional nature of the attorney-client relationship can run into pitfalls when an attorney represents a seasoned parent or a parent who is limited from full access to their rights due to cultural or linguistic constraints. Additionally, parent participation in the IEP is considered a cornerstone of special education, yet the process remains inaccessible to many families, particularly families of students of color. This panel will look at the attorney-client relationship vs. the advocate-client relationship and parent perspectives/expectations in each. It will also offer information, tips, and strategies related to parent organizing efforts; improving representation of families; and working toward a more inclusive, family-centered model of special education.

Juliet Barraza, Gloria Perez-Stewart

3:00

Networking Break

3:15

FAPE after Endrew F. v. Douglas County School District

In March of 2017, the United States Supreme Court clarified the legal standard under the Individuals with Disabilities Education Act that public educational agencies provide a free, appropriate, public education (FAPE) to eligible children with disabilities. This panel will discuss this important case and its impact on the practice of special education law.

Deborah R. Jacobson

5:00

Adjourn

Faculty

Co-Chairs

Elizabeth F. Eubanks

Inland Empire Regional Director
Disability Rights Legal Center at University of La Verne College of Law
Ontario, California

Maggie Roberts

Maggie Roberts Law
Oakland, California

Maronel Barajas

Director of Litigation
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Juliet Barraza

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