

California Special Education Law

October 9, 2013

9:00 a.m. – 5:00 p.m.

Why You Should Attend

Currently, approximately 686,000 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 Program will provide attendees with an overview of the basics of Special Education Law, as well as an opportunity to hear from experts in the field on the trends and cutting edge issues affecting the practice today.

What You Will Learn:

- Basics of special education under IDEA
- Differences between the FAPE requirement of IDEA and the program access requirement of Section 504 and Title II of the ADA
- Disciplining the special education student
- Due process hearing procedures
- Recent trends in the areas of enforcement and attorneys' fees
- Access to extracurricular activities
- Addressing harassment based on disability
- Student privacy rights

Who Should Attend

All attorneys interested in or currently assisting students/parents or school districts with special education matters from the initial IEP to due process. Appropriate for both new and seasoned practitioners.

California Special Education Law

Program Schedule

9:00

Program Overview and Introductions

Michelle Uzeta

9:15

Individuals with Disabilities Education Act (IDEA)

Since 1975, federal law has required public schools to make special efforts to educate students with disabilities. Revised and reauthorized as the Individuals with Disabilities Education Act (IDEA) in 2004, federal special education law requires local educational agencies (LEAs) to provide “specially defined instruction, and related services, at no cost to parents, to meet the unique needs of a child with a disability.” This session will provide an overview of IDEA’s specific requirements to ensure a free appropriate public education (FAPE) for students with disabilities.

Jean Murrell Adams

10:15

Interplay Between IDEA, Section 504 of the Rehabilitation Act and Title II of the ADA

Primarily a funding statute, IDEA aims to ensure that eligible students receive a “basic floor of opportunity”. Remedial anti-discrimination laws such as the ADA and Section 504, on the other hand, mandate equality of opportunity, participation and benefit. This session will explore the differences between the FAPE requirement of IDEA and the program access requirement of Section 504 and Title II of the ADA.

Elizabeth F. Eubanks, Eliza Jadwiga McArthur

11:15

Networking Break

11:30

Understanding School Discipline for Special Education Students

IDEA outlines a number of specific procedures that schools must follow when disciplining students with disabilities, to prevent schools from suspending or expelling students without considering the effects of the student's disability. This session will explain discipline rules, due process and procedural safeguards required under IDEA.

Elizabeth A. Estes, Laura Faer, Linda D. Kilb

12:30

Lunch

1:45

Due Process Procedures

A Due Process Hearing is the formal, legal procedure that resolves differences about special education services, with the goal of ensuring a free and appropriate public education (FAPE). This session will address the right to file for a due process hearing and due process procedures.

Deborah Ungar Ettinger, Carly Munson

2:45

Trends in Enforcement and Attorneys' Fees

This session will address recent trends in enforcement and attorneys' fees awards to both parents and districts under the fee-shifting provision of IDEA.

Deborah Ungar Ettinger, Roberta S. Savage

3:45

Networking Break

4:00

Hot Topics

This session will provide an overview of three "hot topics" in special education: access to extracurricular activities, disability based harassment and student privacy rights.

Elizabeth F. Eubanks, Margaret Roberts

5:00

Adjourn

Faculty

Chairperson

Michelle Uzeta

Legal Director
Disability Rights Legal Center
Los Angeles, California

Jean Murrell Adams

Senior Managing Attorney
ADAMS ESQ, A Professional Corporation
Oakland, California

Elizabeth A. Estes

Of Counsel
Dannis Woliver Kelley
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Deborah Ungar Ettinger

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Elizabeth F. Eubanks

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Laura Faer

Education Rights Director
Public Counsel Law Center
Berkeley, California

Linda D. Kilb

Director, California Legal Services Trust Fund Support Center Program
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Carly Munson

Bingham McCutchen Clinical Teaching Fellow
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Program Attorney: Christina Thompson