

Pepple & Waggoner

ATTORNEYS AT LAW

PRESENTATION AND INSERVICE MENU

Special Education (Administrators) Potential Topics

1. *Response to Intervention
 - a. RTI and the IDEIA
 - b. Pyramid of Intervention
 - c. Research-Based Interventions
 - d. Components of RTI

2. Retaliation Under Section 504
 - a. Due Process
 - b. Grievance Mechanisms
 - c. Parent and Student Claims of Retaliation
 - d. Employee Allegations of Retaliation

3. Preparing for a Due Process Hearing
 - a. Creating and Maintaining Relevant Documentation
 - b. Pre-hearing Notice Requirements
 - c. Mediation and Dispute Resolution
 - d. Administrative Due Process Hearings and Civil Actions

4. Student Services: ESL Programs - Is Your District in Compliance?
 - a. Legal Evolution of Serving ESL Students
 - b. Keeping it Constitutional: DOJ Guidance on ESL Students
 - c. Practical Tips for Serving an ESL Student Population
 - d. ESL Glossary: Knowing the Terms and Acronyms

5. *Student Services: Dealing with Differences, Discomfort, Diversity, or Discrimination
 - a. GLBT Students
 - b. Discrimination Under Federal Law
 - c. Constitutional Claims
 - d. Policy Considerations

6. *Managing Special Education - FAPE Fundamentals
 - a. What Makes Special Education “Special”?
 - b. Evaluation and Eligibility
 - c. Individual Educational Programming
 - d. Responsibilities of School Leaders
7. Managing Special Education - Leadership Roles and Responsibilities
 - a. Managing Meetings
 - b. Students New to the District
 - c. Conflict Resolution
8. Procedural Violations as a Denial of FAPE
 - a. Procedural v. Substantive Violations
 - b. Impact on FAPE
 - c. View of IHOs
9. *Keep Your Name Off the Front Page: Discipline Strategies for Students with Disabilities
 - a. Legal Requirements and Procedures
 - b. RTI and Behavior
 - c. Assessments and Interventions
 - d. Dealing with Parents
10. Service Animals/Companion Animals
 - a. What are Service Animals? Companion Animals?
 - b. Can Animals Accompany Students to School?
 - c. Obligations Under IDEA, Section 504, and ADA
 - d. Effective Needs-Based Decision Making
11. *Inclusion
 - a. What is Inclusion?
 - b. Supplementary Aids and Services
 - c. Inclusion and Students with Behavioral Issues
12. *504 Eligibility Update
 - a. Definition for Physical or Mental Impairment
 - b. What Constitutes a “Major Life Activity” under the ADAA?
 - c. How Limiting is “Substantially Limiting” under the ADAA?
 - d. Whether Episodic or Mitigated Impairments are Eligible for a 504 Plan

13. The Effective Use of Paraprofessionals in Special Education
 - a. Employment/Licensing of Paraprofessionals
 - b. Paraprofessional Qualifications under NCLB and IDEIA
 - c. Supervision/Training of Paraprofessionals
 - d. Functions/Duties of Paraprofessionals

14. *Somebody Else is Watching: Parental/Expert Classroom Observations
 - a. Parental Rights to Direct Their Child's Education
 - b. Policy and Confidentiality Considerations
 - c. Limitations on Parent/Expert Class Observations
 - d. Preparing for Visitors in the Classroom

15. *Restraint and Seclusion
 - a. U.S. Government Accountability Office (GAO) Report "Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools" (May 19, 2009)
 - b. Secretary of Education Arne Duncan's Letter to Chief State School Officers (July 31, 2009)
 - c. Governor Strickland's Executive Order 2009-13S (August 3, 2009)
 - d. U.S. Department of Education "Restraint and Seclusion: Resource Document" (May 15, 2012)
 - e. Ohio's New Restraint and Seclusion Requirements

16. Bargaining Special Education Issues
 - a. The Case Against Agreeing to Contract Language on Special Education
 - b. Common Legal Issues Stemming from Special Education Bargaining Language

17. *Attacking the Autism Crisis: Strategies for Dealing with Autistic Students
 - a. Responding in a Timely Manner
 - b. Parent Issues
 - c. Staff Training
 - d. Proper Use of Methodologies

18. *Bullying and Disabled Students
 - a. Bullying v. Harassment
 - b. Cyberbullying
 - c. Responding to a Claim of Bullying
 - d. Proactive Measures for Legal Defense

19. Ten Common Special Education Mistakes
 - a. Failure to Conduct a Thorough and Timely Evaluation or Reevaluation
 - b. Failure to Address the Student's Behavior During the IEP Process
 - c. Failure to Have the Proper Persons Present Throughout the IEP Meeting
 - d. Failure to Make the IEP Accessible to the Personnel Responsible for its Implementation
 - e. Making Amendments or Changes to the IEP Without the Approval of the Parent and/or the IEP Team
 - f. Failure to Provide Prior Written Notice
 - g. Failure to Provide Appropriate Services after Ten Days of Suspension During the School Year
 - h. Failure to Conduct a Manifestation Determination
 - i. Failure to Properly Train Paraprofessionals and Other Personnel Providing Services to Students with Disabilities
 - j. Failure to Call the School Board Attorney Until After the Mess is Made

20. *Special Education Students and the Problem of Placement
 - a. Least Restrictive Environment Under IDEA and Section 504
 - b. Removal from a Regular Education Placement
 - c. Continuum of Placements

21. Dealing with Divorced and/or Separated Parents
 - a. Definition of "parent"
 - b. Parental participation in IEP meetings
 - c. Obtaining parental consent

22. *Complying with Procedural Requirements for Developing an Appropriate IEP
 - a. Parental participation in IEP meetings
 - b. Attendance by mandatory school staff members
 - c. Considering outside information provided by parents
 - d. Predetermination

23. *Developing an IEP that is Substantively Appropriate
 - a. Measurable goals
 - b. Focus on the student's core areas of need
 - c. Present academic levels
 - d. Behavioral issues
 - e. Extended school year services
 - f. Transition services

24. *Accommodating Special Education Students in Non-Academic Activities
- a. OCR's "Dear Colleague" Letter, 60 IDELR 167 (2013)
 - b. Equal opportunity to participate
 - c. Selective or competitive programs
 - d. Reasonable modifications
25. Avoiding Costly Mistakes
- a. Send Prior Written Notice ("PWN") Early and Often
 - b. A Static Behavior Intervention Plan ("BIP") is (Probably) a Bad BIP
 - c. Failure to Remember That Most E-mails and Other Documents Are Public Records
 - d. Forgetting the Basics of Student Discipline
 - e. Do Something When You Hear of Bullying
 - f. Students are Using Personal Technology – You Better Have a Plan
 - g. Incorrectly Handling Employee Discipline
 - h. Documentation/Documentation/Documentation
 - i. Calling the Lawyer **After** the Mess Is Made

[Note: Topics which would be suitable for both an Administrators' inservice and a general staff's inservice are denoted with an asterisk ().]*