



DUE DILIGENCE

WITH

DUE PROCESS

Meeting Student
Needs & Avoiding
The Courtroom

PANELISTS:

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GOALS FOR THE DAY:

1

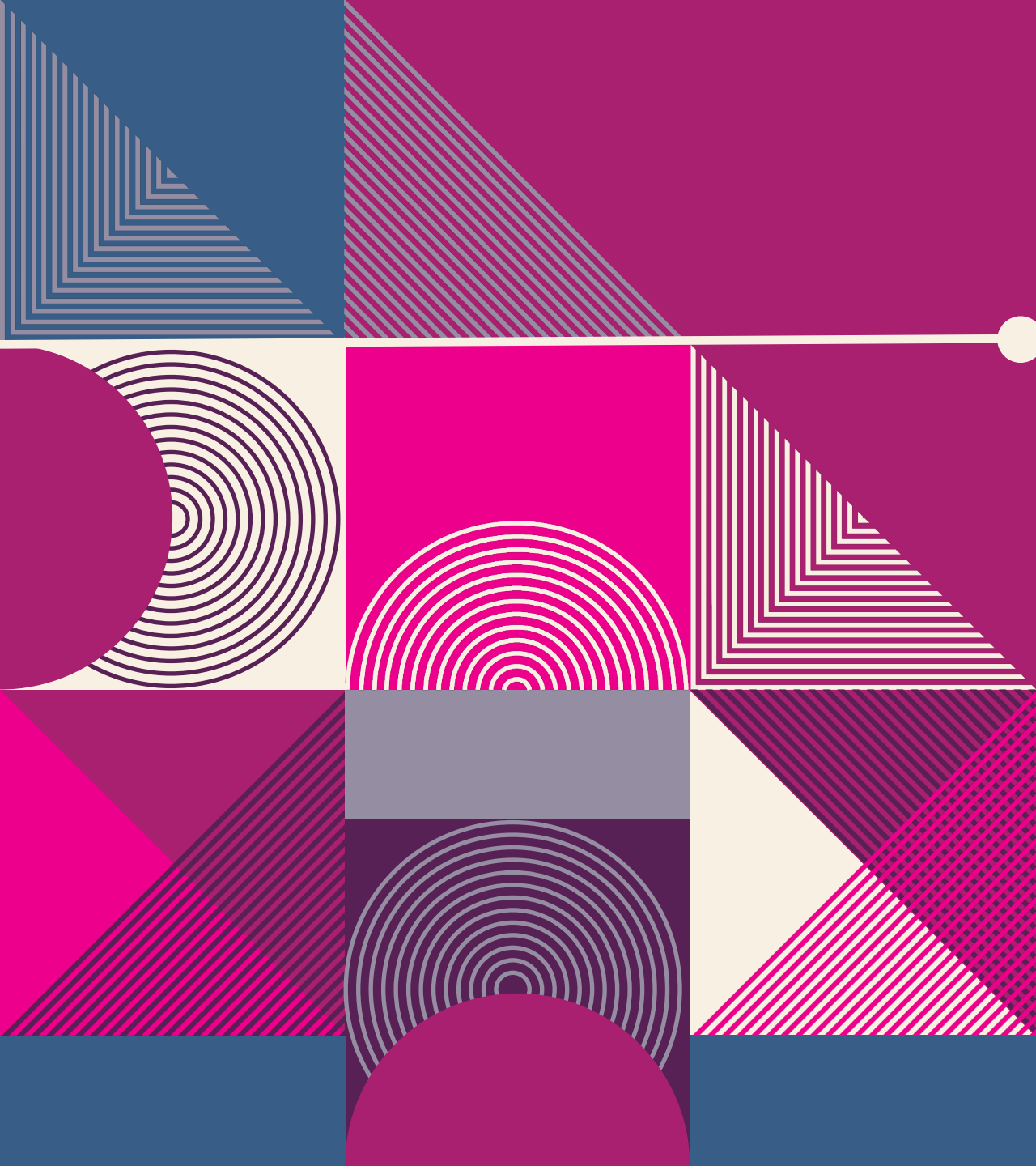
Identify the most common issues raised by due process complaints.

2

Discuss the areas where Charter Schools often get into trouble.

3

Explore ways to make sure student needs are met, and the courtroom is avoided.

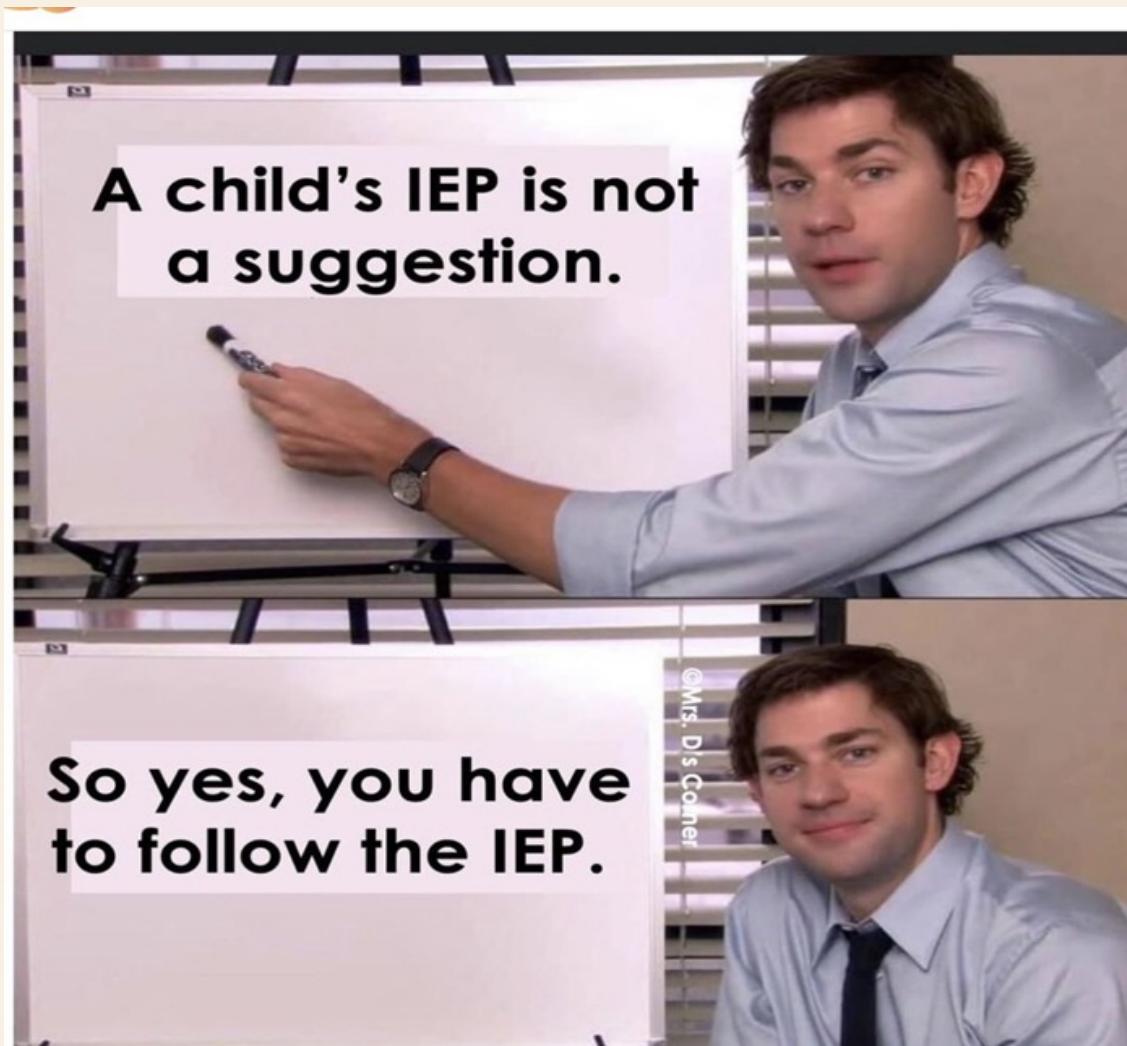


....**BUT FIRST**
SOME HUMOR

WHAT DOES THAT STAND FOR?



DO WE HAVE TO DO THAT?



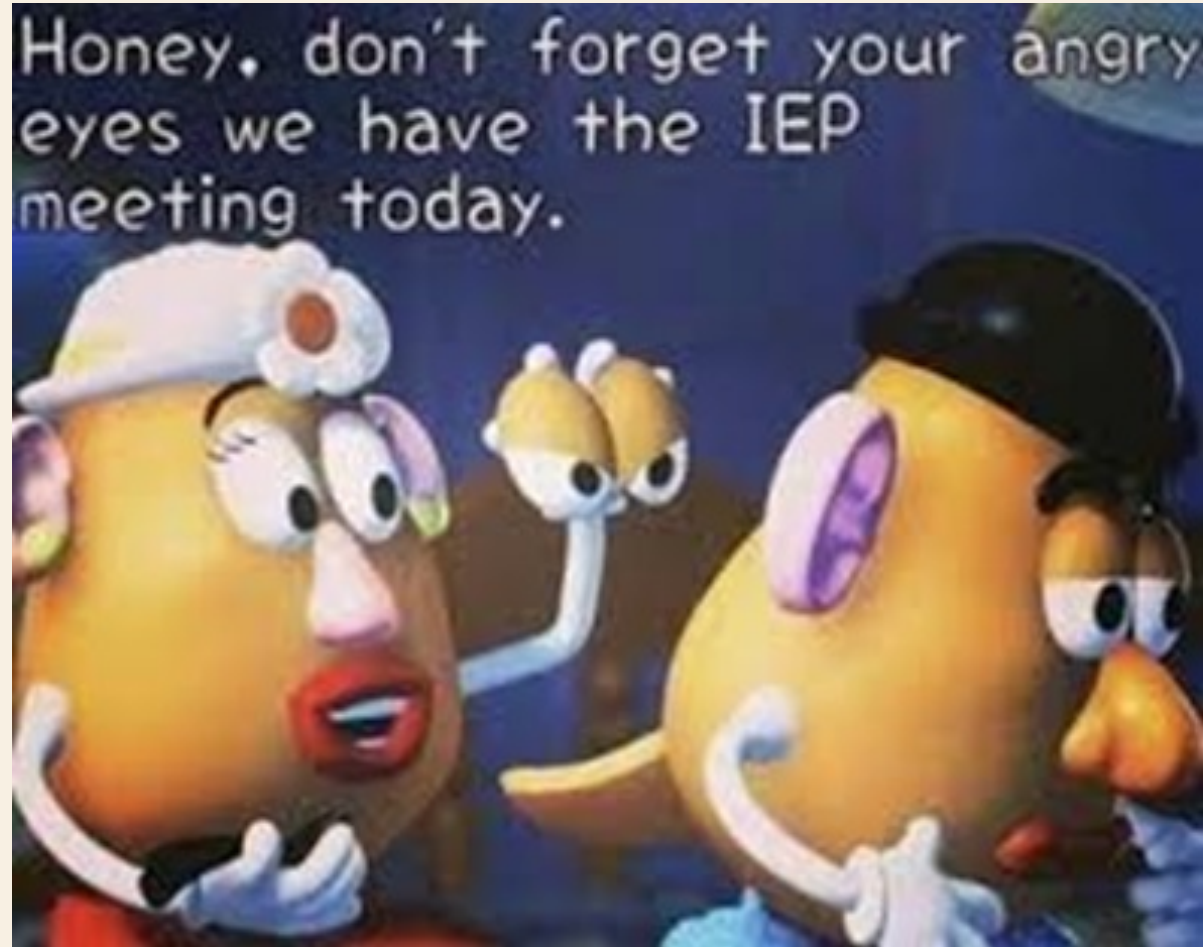
DO WE HAVE TO DO THAT?



THE JOY OF IEP MEETINGS...



THE JOY OF IEP MEETINGS...



FEELING LOST?



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PERSONAL FAVORITE...



DUE PROCESS: UNDERSTANDING THE BASICS

Due process starts with:

- IDEA (Individuals with Disabilities Act)
- FAPE (Free and Appropriate Education)



WHAT IS THE IDEA AGAIN?

The Individuals with Disabilities Education Act (IDEA) was a piece of legislation established by the federal government to guarantee that all children with disabilities are provided with "equality of [educational] opportunity, full participation, independent living, and economic self-sufficiency."

WHAT IS THE IDEA AGAIN?

The IDEA has four parts (A, B, C, D)....

- Part A: Sets forth the general provisions of the Act, including the purpose of the law, as well as necessary definitions.
- Part B: Governs how special education and related services must be provided to school aged children with disabilities.
- Part C: Covers early intervention services for children with disabilities from birth through age two.
- Part D: Describes national activities to be undertaken to improve the education of children with disabilities. Said activities include grants to improve the education and transitional services provided to students with disabilities.

WHAT IS THE IDEA AGAIN?

The IDEA has six major principles:

- Free and Appropriate Public Education
- Appropriate Evaluation
- Individualized Education Plans (IEP)
- Least Restrictive Environment
- Parent Participation
- Procedural Safeguards



WHAT IS A DUE PROCESS COMPLAINT?

A due process complaint is a written document used to request a due process hearing related to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free, appropriate public education (FAPE) to the child.

The complaint may be filed by either a parent or a public agency (school).

THREE COMMON COMPLAINTS

Child Find

IEP is insufficient

IEP has not been implemented

CHILD FIND:

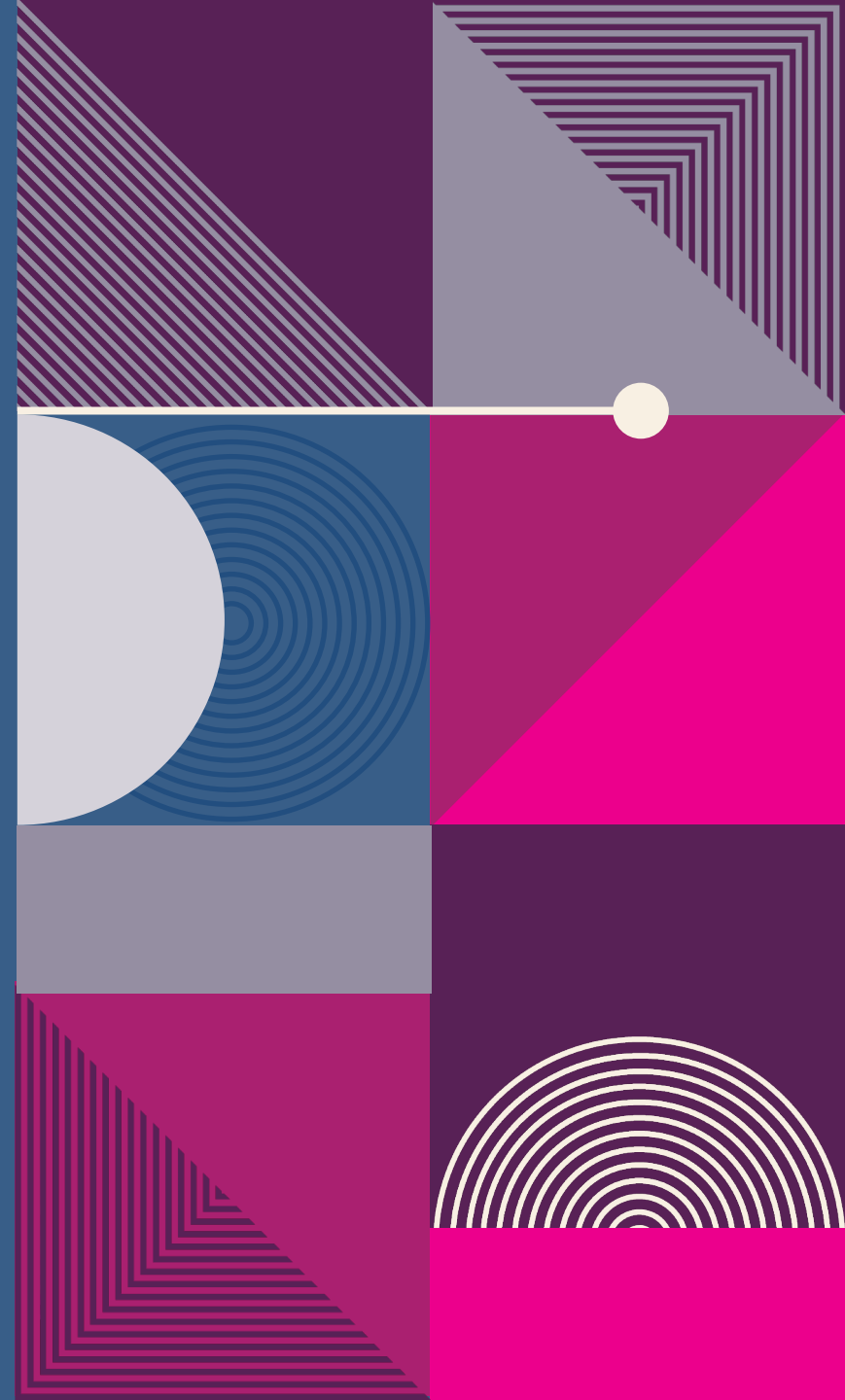
Sec. 300.111 Child Find (IDEA)

The State must have in effect policies and procedures to ensure that—

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are **identified, located, and evaluated;**

CONTENT BASED CLAIMS:

Claims arguing that the IEP was not crafted well enough, or tailored to the specific needs of the child, to ensure sufficient educational gains.



OLD STANDARD *THE "ROWLEY" DECISION*

CHEVY



CADILLAC





ROWLEY:

Supreme Court ruled that in order to provide a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) to students with disabilities, school districts must provide an “educational benefit.”

Individuals with Disabilities Education Act (IDEA) requires only a “basic floor of opportunity,” not that schools “maximize” a child’s educational potential.



NEW STANDARD:

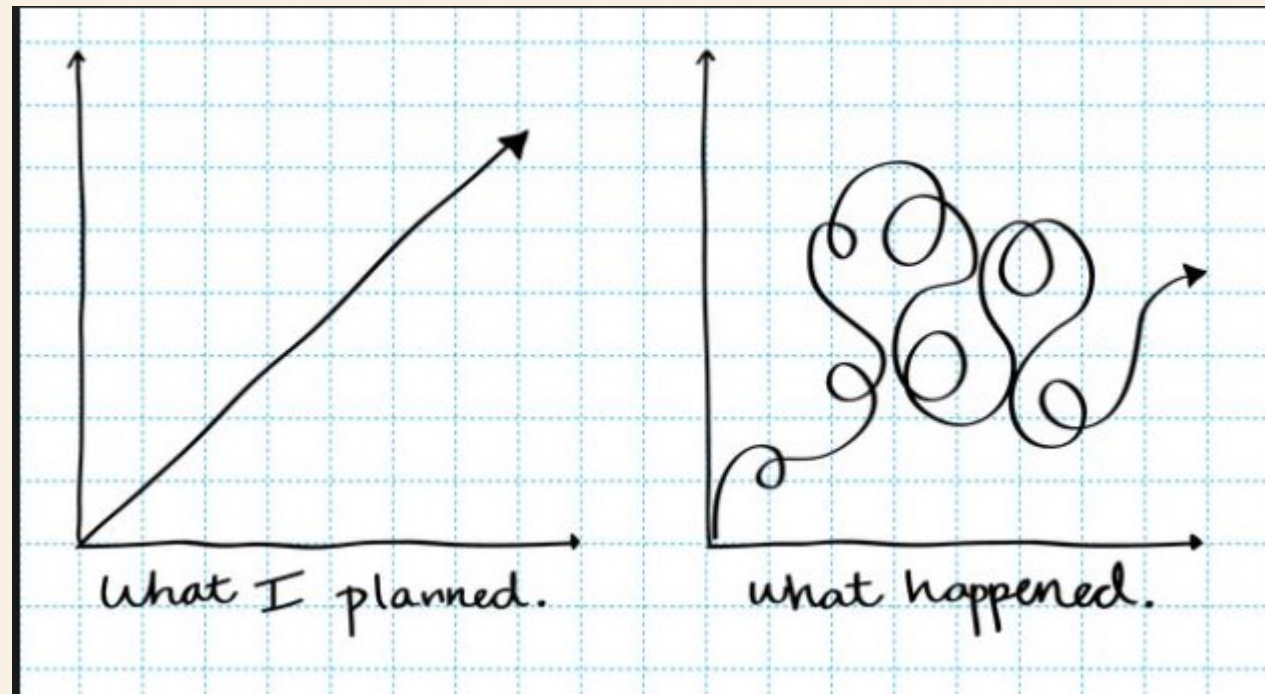
The **Andrew** Decision:

Court held that in order to provide a FAPE , schools must provide an educational program that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”

A Chevy with upgrades, options, packages?

IMPLEMENTATION CASES:

Failing to carry out a well-crafted IEP.





IMPLEMENTATION CASES:

What standard applies in these cases?

11th Circuit finally weighs in:

L.J. v. School Board of Broward County - established a standard of review for implementation cases that focuses on the concept of materiality.

SO HOW DO WE AVOID COMPLAINTS:

- C** Communicate with Parents and Staff
- A** Ask for Help
- R** Recognize Timelines and Obligations
- E** Execute the Plan/Services
- S** Save everything (Data/Documents)



QUESTIONS FOR OUR PANEL:



Thank
you!!!
...

