

**36<sup>th</sup> Annual Education Law Conference**  
**Friday, May 9, 2008 at Lehigh University's Mountaintop Campus**

**A Roadmap of Reality, Resolution, and Remedies**

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**7:30 a.m. – 8:30 a.m.**

**Registration and Refreshments**

Registration accompaniment provided by the Quakertown High School Jazz Group led by Frank Parker (*with special thanks for their sponsorship by Marie Abbazio*)

**8:30 a.m. – 9:30 a.m.**

**Special Education Law: Key Current Issues and Recent Cases**

This session will provide an overview of the current leading issues, including response to intervention (RTI) and peer reviewed research (PRR), as well as the most significant court decisions during the past year, including *A.W. v. Jersey City Public Schools* (3d Cir. 2007), under the IDEA.

*Keynote Presenter:* [Perry Zirkel](#), Lehigh University – Bethlehem, PA

**PLEASE SELECT TWO OF THE FOLLOWING MORNING SESSIONS:**

**9:40 a.m. – 11:00 a.m.**

**A. Strategies for Dispute Resolution in Special Education**

Due process hearings, while sometimes necessary, can take a tremendous toll on both parents and school personnel. This session will explore effective strategies to reduce and resolve conflict in special education prior or alternative to due process hearings, including 1) mediation, 2) resolution sessions, and 3) Connecticut's advisory opinion procedure.

*Moderator:* [Gina Scala, Ed.D.](#), East Stroudsburg University

*Co-Presenters:* [Diana Autin, Esq.](#), Statewide Parent Advocacy Network - NJ  
[Thomas G. Badway](#), Connecticut State Department of Education - CT

**B. Negotiating Special Education Settlement Agreements**

This session will foster an understanding of the unique process of resolving complex special education claims before hearing, at hearing, or in state/federal court via settlement and the ensuing possible pitfalls.

*Moderator:* [Gina MacFalls, Ed.D.](#) Bellefonte Area School District - PA

*Co-Presenters:* [Mark Fitzgerald, Esq.](#), Fox Rothschild, - Lansdale, PA  
[Vivian Narehood, Esq.](#), Gible, Kraybill, and Hess - Lancaster, PA

**C. Bullying and Disabilities Harassment: Legal and Practical Implications**

To what extent are districts and their personnel legally liable for name calling, bullying, and other harassing behavior against students with disabilities? Conversely, what are the legal requirements and limitations when the harasser or bully is a student with a disability? Learn what the law says about this expanding area of concern, and gain strategies from both the parent and school district perspectives.

*Moderator/Presenter:* [Linda Fusco, Esq.](#), Independent IEP Facilitator, Consultant, and Staff Development - Newtown, PA

*Reactors:* [Sarah Dragotta, Esq.](#), Law Office of Sarah Dragotta - Glenside, PA  
[Scot Engler](#), Palmerton Area School District

**D. Dual Enrollment**

This Pennsylvania-specific session will discuss 1) *Veschi v. Northwestern Lehigh School District and Lower Merion School District v. Doe*, and what they mean for the future, and 2) the law applicable to participation in public school on a part-time basis, and 3) the impact of proposed regulations that may shift responsibilities from school districts to intermediate units.

*Moderator:* [Liliana Yazno-Bartle, Esq.](#), Law Office of Caryl Oberman - Willow Grove, PA

*Co-Presenters:* [Jeffrey Champagne, Esq.](#), - McNeese, Wallace & Nurick - Harrisburg, PA  
[Philip J. Murren, Esq.](#), Ball, Murren, and Connell - Harrisburg, PA

**E. Mock Due Process Hearing**

This mock due process hearing, separated into two distinct sessions, will entertain and educate participants whether novice or experienced in such matters. Each session will feature examination and cross-examination by seasoned practitioners, evidence and objection rulings by a veteran hearing officer, and sharing of strategy,

technique and critique. Registrants may select either or both sessions. (NOTE: if you select to attend both sessions, you will not be able to attend another a.m. session.)

*Moderator:* Jane Williams, Esq., Sweet Stevens Tucker & Katz - New Britain, PA

*Co-Presenters:* Caryl Oberman, Esq., Law Office of Caryl Oberman - Willow Grove, PA  
Andria B. Saia, Esq., Levin Legal Group - Huntingdon Valley, PA  
Linda Valentini, Psy.D., Pennsylvania Office for Dispute Resolution

#### **F. Discipline of Special Education Students**

IDEA 2004 significantly changed special education discipline rules, making administrators' decisions more complex and challenging. This session will offer a legal and practical overview based on experience in urban and suburban schools in both Pennsylvania and New Jersey, culminating in useful tips and suggestions for avoiding problems and including possible warning signs, manifestation meeting issues, and illustrative case studies.

*Moderator:* Karl Romberger, Jr., Esq., Fox Rothschild - Lansdale, PA

*Co-Presenters:* Kimberly A. Caputo, Esq., Philadelphia School District  
Jerry Tanenbaum, Esq., Schnader, Harrison, Segal and Lewis - PA

**11:10 a.m. - 12:30 p.m.**

**Repeat of session A, B, C, D, E, and F**

**12:30 p.m. - 1:30 p.m.**

**Lunch**

### **PLEASE SELECT 2 AFTERNOON SESSIONS:**

**1:40 p.m. - 2:40 p.m.**

#### **G. The New Chapter 14 Regulations: *Out With The Old; In With The New...***

Now that the Pennsylvania CHAPTER 14. Special Education Services and Programs Regulations are final, what are the major changes in the applicable requirements? The session will highlight these changes from a range of perspectives.

*Moderator:* Dan Burkholder, E.Ed., North Penn School District - Montgomery County, PA

*Co-Presenters:* Andrew Faust, Esq., Sweet Stevens Tucker & Katz - New Britain, PA  
Dennis McAndrews, Esq., McAndrews Law Offices - Berwyn, PA

#### **H. Money Damages after *A.W.***

This session will explore the remedies available for failure to provide FAPE, in particular, the availability of monetary damages under the IDEA and Section 504, in light of the recent Third Circuit decision in *A.W. v. Jersey Shore School District*.

*Moderator/Presenter:* John E. Freund, Esq., King, Spry, Herman, Freund & Faul - Bethlehem, PA

*Reactor:* Gabrielle Sereni, Esq., McAndrews Law Offices - Berwyn, PA

#### **I. So Now You Are A Witness**

In this session experienced and expert trial attorneys offer valuable tips to help you prepare your testimony, and anticipate cross examination, in due process hearings and any resulting proceedings under the IDEA.

*Moderator:* Sandra L. Lascari, Esq., Law Offices of Sandra Lascari, - Madison, NJ

*Co-Presenters:* Monica Dodd-Palestis, Esq., Law Firm of Monica Dodd-Palestis - Dover, NJ  
Grace M. Deon, Esq., Eastburn and Gray - Doylestown, PA

#### **J. The Use of Aversives/Restraints**

This session will address the legal limitations applicable under Pennsylvania and federal law to the use of physical restraints and related aversive techniques (e.g., harnesses, blankets, basket holds, restraining holds) for students with disabilities. The presenters will explain the importance of maintaining proper documentation, establishing human rights committees, and training highly qualified personnel pertinent to such interventions.

*Moderator:* [Donna M. Kaye](#), Senior Counsel, New Jersey School Boards Association - Trenton, NJ

*Co-Presenters:* Charles W. Jelley, Esq., Tremba & Jelley - Greensburg, PA  
Carl P. Beard, Esq., Andrews, Wagner & Beard - Altoona, PA

#### **K. Medical Issues**

This session will examine the implications of medical conditions as they impact on the expectations of students

and parents with respect to IDEIA and Section 504 legal obligations. Issues will be examined from the parent and school district perspectives.

*Moderator:* Marie M. Abbazio, George Washington University Hospital - Washington, DC  
*Co-Presenters:* Ira Fingles, Esq., Hinkle, Fingles, and Prior - Lawrenceville, NJ  
Dr. Kathleen Conn Neumann College - Aston, PA

**L. Least Restrictive Environment Issues for Teachers**

This session will focus on IDEA issues that are of particular concern to both regular and special education teachers, including 1) classroom visitations by parents and other agencies, 2) roles and responsibilities associated with development and implementation of the IEP, and 3) responding to parental expectations and communications.

*Moderator:* Carole Sanville Smith, Bucks County Intermediate Unit 22 - PA  
*Presenter:* Leslie Collins, Esq. Pennsylvania Education State Education Association  
*Reactor:* Jennifer Lowman, Esq. Education Law Center - PA

2:50 p.m. - 3:50 p.m.

Repeat of sessions G, H, I, J, K, L