

**Special Education Law:  
Resolving the Crossword Puzzle Without Cross Words**

**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: Current Cases and Key Issues**

This session will provide an update of the most recent legal developments, including the ADA amendments and their effect on student § 504 eligibility, the added IDEA regulation concerning revoked consent, and significant new court decisions in the Third Circuit and other jurisdictions.

*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. Thinking Different about Creating Agreement: An Innovative Approach**

In 2005, several national organizations, including CASE, identified a priority among their members for information and training on early dispute resolution. The IDEA Partnership, working with the Consortium for Appropriate Dispute Resolution, assembled a cross-stakeholder group to design a training that could be collaboratively delivered and promoted broadly in education and family circles. The training is entitled, *Creating Agreement: Moving Beyond Dispute Resolution*. The content includes positions and interests, conflict styles, active listening and creating agreement. Concepts are applied to everyday situations and to school and special education specific situations. This session will highlight the process from all perspectives - including federal, state, parent, and school district.

*Moderator: Gina Scala, Ed.D., East Stroudsburg University - Stroudsburg, PA*

*Presenter: Dr. Joanne Cashman, IDEA Partnership - Alexandria, VA*

*Reactors: Dixie Rider, Office for Dispute Resolution - Harrisburg, PA*

*Kay Lipsitz, Parent Education Network - York, PA*

**B. Section 504 v. IDEA: Implications of the 2009 ADAA**

The panel will review the the American with Disabilities Act Amendments and what they mean in relation to Section 504 and the IDEA. Illustrative issues include: 1) To what extent are students who districts determine are not eligible under the IDEA as a result of an initial evaluation or, after receiving services under the IDEA, as a result of a exiting reevaluation, likely to be eligible under Section 504? 2) If the parents revoke consent for services under the IDEA, must the district provide the child with a 504 Plan? 3) For health-related impairments that do not directly or notably affect learning and that are episodic, in remission, or mitigated by medication, is a 504 Plan required?

*Moderator: Marie M. Abbazio, R.N., M.S.Ed., George Washington University Hospital - Washington, DC*

*Co-Presenters: Jeffrey Champagne, Esq., - McNees, Wallace & Nurick - Harrisburg, PA  
Rebecca Spar, Esq., - Cole, Schotz, Meisel, Forman, & Leonard - Hackensack, NJ*

**C. Special Education Discipline: Rights and Rules**

Discipline is one of the most challenging areas of special education law, yet many of the legal problems regarding the discipline of special education students are avoidable by understanding and following the pertinent IDEA provisions and case law. This session will provide an overview of the resulting rules, including those applicable to short- and long-term disciplinary removals, manifestation determinations, and interim alternative educational settings.

*Moderator: Michael J. Connolly, Esq., Connolly, Jacobson, & John - Doylestown, PA*

*Co-Presenters: Glenna Hazeltine, Esq., King, Spry, Herman, Freund & Faul - Bethlehem, PA  
Gabe Labella, Esq., Disability Rights Network - Philadelphia and Pittsburgh, PA*

#### **D. Due Process Hearings: Judicious Insights**

This session will be based on the insights of an experienced, full-time hearing officer on various topics that include, for example, do's and don't's for testimony, exhibits, other paperwork, and witness preparation.

*Co-Moderators:* Gina MacFalls, Ed.D., Bellefonte Area School District - Bellefonte, PA  
Jane Williams, Esq., Sweet-Stevens, Katz, & Williams – New Britain, PA  
*Presenter:* Daniel J. Myers, Special Education Hearing Officer  
*Reactor:* Charles Jelley, Esq., Tremba & Jelley – Greensburg, PA

#### **E. Education Records: Special Safeguard for Students with Disabilities**

What are the federal and state law requirements for school record keepers, and how do they affect you? This session will discuss the Family Education Rights and Privacy Act, the Health Insurance Portability and Accountability Act, the Pennsylvania and New Jersey laws on student records, and the special additions in the Individuals with Disability Education Act specific to the legal responsibilities of school personnel for personally identifiable information specific to students with disabilities.

*Moderator:* Sandra L. Lascari, Esq., Law Offices of Sandra Lascari, - Madison, NJ  
*Co-Presenters:* Eric L. Harrison, Esq., Methfessel & Werbel P.C. - Edison, NJ  
Tanya Alvarado, Esq., McAndrews Law Offices - Wayne, PA

#### **F. After the Flood: The Current State of Autism Law**

As the educational system comes to grips with the huge influx of students with autism spectrum disorders during the past decade, a number of issues have emerged about which parents and school districts frequently clash. This session will explore the current state of the law for these issues, including the training and qualifications of staff, the use of private consultants and providers, the responsibility for out-of-school behavior, and the role of Least Restrictive Environment for these students.

*Moderator/Co-Presenter:* Ira Fingles, Esq., Hinkle, Fingles, & Prior - Lawrenceville, NJ (Plymouth Meeting and Bala Cynwyd, PA)  
*Co-Presenter:* Andria B. Saia, Esq., Levine Legal Group - Huntingdon Valley

**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. Serving the Mentally Gifted: Pennsylvania's "Other" Exceptional Population**

Parent attorney Caryl Oberman and school attorney Andy Faust will provide a fast-paced discussion of various topics affecting the education of the mentally gifted student, ranging from identification and IEP development to providing "related services" and implementing appropriate opportunities for acceleration and enrichment. They will emphasize the effect of Pennsylvania's newly-revised Chapter 16 regulations and entertain questions throughout this interactive presentation.

*Moderator:* Kristine Marakovits-Roddick, Esq., King, Spry, Herman, Freund & Faul - Bethlehem, PA  
*Co-Presenters:* Andrew E. Faust, Esq., Sweet-Stevens, Katz, & Williams – New Britain, PA  
Caryl Andrea Oberman, Esq., Law Offices of Caryl Oberman - Willow Grove, PA

#### **H. Building a Bridge to Success: Planning for the Transition from School to Work**

The IDEA's vision for special education students transcends graduation. The overarching goal of FAPE is to provide a foundation for adult life, including, wherever possible and consistent with the needs and aptitudes of the student, post-secondary education/training, employment, independent living, and community participation. Too often, however, transition planning occurs without a meaningful connection to the rest of the IEP, with children leaving special education without a coherent path to the next step in their lives. This session will explore how to incorporate meaningful transition goals into the fabric of the special education process, from the evaluation report to graduation and beyond with the pertinent published hearing/review officer and court decisions.

*Moderator/Presenter:* Lorrie McKinley, Esq., McKinley & Ryan - West Chester, PA

*Co-Presenter:* Fleming Godiksen, Bucks County Intermediate Unit

### **I. Parents' Role under the IDEA: Whose Decision Is It Anyway?**

Presenters will discuss the issues and challenges associated with the role of parents in educational decision-making for special needs students under the IDEA. The panel will address such topics as when and how parents may revoke consent; who can and who can't act as "a parent" for special education decision-making; what to do when parents are in disagreement with or absent from the decision-making process; how to address residency disputes; and special considerations when students are placed in residential settings.

*Moderator:* Hillary D. Freeman, Esq., Hinkle, Fingles, & Prior - Lawrenceville, Marlton, & Florham Park, NJ (also Plymouth Meeting and Bala Cynwyd, PA)

*Co-Presenters:* Maura McInerney, Esq., Education Law Center - Philadelphia, PA  
Rosemary E. Mullaly, Esq., Office of Chief Counsel, Pennsylvania Department of Education

### **J. Charter School Special Education - "FAPE Lite"?**

Pennsylvania's public charter schools, both traditional and cyber, have responsibility under the IDEA to provide FAPE in the least restrictive environment. Are there special factors about charter schools that contribute to disputes about their special education obligations? How can charter schools and parents work together to meet IDEA standards? Learn about recent developments on this new frontier of public education.

*Moderator:* Dr. James Newcomer, Retired School Administrator - Quakertown, PA

*Co-Presenters:* Lawrence D. Dodds, J.D. Ph.D., Wisler, Pearlstine, Talone, Craig, Garrity & Potash - Blue Bell, PA  
David Thalheimer, Esq., Law Offices of David Thalheimer & Associates - Philadelphia, PA

### **K. FBAs and BIPs: Legal Challenges and Educational Opportunities**

Schools have a legal obligation to conduct functional behavior assessments (FBAs) when developing behavior intervention plans (BIPs) for students with disabilities under certain circumstances. This session will provide an overview of IDEA provisions, pertinent case law outcomes, and implications for school personnel. Presenters will discuss vital distinctions between best practices and legal requirements such as, (1) When should a FBA be conducted v. when must a FBA be conducted?; and (2) What components should be contained in a BIP v. what components must be contained in a BIP? The session will also identify additional requirements in Pennsylvania's Chapter 14 regulations.

*Moderator:* Julie B. Fogt, Ed.D., Centennial School of Lehigh University - Bethlehem, PA

*Co-Presenters:* Grace Deon, Esq., Eastburn & Gray - Doylestown, PA  
Stephen J. Jacobson, Psy.D., Connolly, Jacobson, & John - Doylestown, PA

### **L. Peer-Reviewed Research (PRR)—what effect on FAPE?**

IDEA 2004 requires that the IEP statement of special education and related services be based on "peer-reviewed research to the extent practicable." How have hearing officers and courts been applying this standard? Does it have potential for assuring high quality in providing FAPE? This session will explore the implications of the PRR requirement for practice, litigation, and policymaking in special education.

*Moderator:* Donna M. Kaye, Esq., New Jersey School Boards Association

*Co-Presenters:* Cherie L. Adams, Esq., Adams Stern Gutierrez & Lattiboudere - Newark, NJ  
Ilene Young, Esq., Young Law Offices - Doylestown, PA

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

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