The U.S. Supreme Court has held that there is no individual right to sue for a breach of confidentiality under the Family

Can you Keep a Secret?: How a Breach of Confidentiality Can Land You in Federal Court

This session will focus on the requirement in IDEA 2004 and its 2006 regulations for schools to develop measurable

This session will provide an overview of five of the most significant developments in special education law in Pennsylvania
during the past five years, each exemplifying a key concept under the IDEA and its corollary state regulations.

Keynote Presenter: Perry Zirkel, University Professor of Education and Law, Lehigh University – Bethlehem, PA

8:30 a.m. – 9:30 a.m.  Special Education Law : Five by Five

Moderator/ Dan Burkholder, M.Ed., Special Education Supervisor, North Penn School District- Montgomery County, PA
Co-Presenters: Monica Dodd-Palestis, Esq., Law Firm of Monica Dodd-Palestis - Dover, NJ
Andrew E. Faust, Esq., Sweet Stevens Tucker & Katz - New Britain, PA

Parentally Placed Private School Children

This session will provide a legal and practical approach to sorting out what are the obligations of public school districts to
residential students who are enrolled by their parents in private schools and who seek special education and other educational
services from the district. The focus will be on equitable participation and dual enrollment under the 2006 IDEA regulations,
the Pennsylvania School Code, and state regulations. It will also address the right of private school students to services under
Section 504 in light of Lower Merion School District v. Doe, recently argued before the Pennsylvania Supreme Court.

Moderator: Claudia Huot, Esq., Wister, Pearlstine, Talone, Craig, Garvito & Potosh - Blue Bell, PA
Presenters: Michael Kelly, J.D., Director of Pupil Services, Lower Merion School District- Ardmore, PA
Philip J. Murren, Esq. Ball, Murren & Connell- Camp Hill, PA

Gaskin Implementation

The Gaskin settlement agreement continues to focus on districts' level of inclusion. This session will examine the
implementation of this statewide settlement agreement. Illustrative foci include: How is the LRE index currently calculated,
and what are the initial results? What is the status of Gaskin Advisory Panel in relationship to the settlement agreement's
specification of its membership, activities, and deadlines? What are the imminent issues in the foreseeable future?

Moderator: Gina McFall, Director of Special Education Williamsport Area School District- Williamsport, PA
Co-Presenters: Judith Abbott Gran, Director, Disabilities Rights Project, Public Interest Law Center of Philadelphia – Philadelphia, PA
Pat Fullerton, Chief Counsel, Pennsylvania Department of Education - Harrisburg, PA

Can you Keep a Secret?: How a Breach of Confidentiality Can Land You in Federal Court

The U.S. Supreme Court has held that there is no individual right to sue for a breach of confidentiality under the Family
Education Rights and Privacy Act. This session will address litigation under alternative sources of confidentiality protections,
including, for example, Section 1983 claims based on constitutional right to privacy and Section 504. Find out what situations
can give rise to such claims, how courts are ruling, where you are most vulnerable, and how to successfully respond to
potentially explosive issues to reduce the risk of liability.

Moderator/ Scot Engler, Director of Student Services, Palmerton Area School District - Palmerton, PA
Reactor : Linda Fusco, Esq. Independent IEP Facilitator, Consultant, and Staff Development
Reactor: Sarah Dragotta, Esq. Law Office of Sarah Dragotta - Glenside, PA

Discipline, including Manifestation Determinations

The new IDEA regulations have resulted in a shift as compared to the language addressed in IDEA 1997, ranging from no
notable changes to subtle but significant changes in the direction of less disciplinary protection. The presenters will identify
and discuss the potential implications for school districts and parents, including issues relative to behavior intervention plans,
manifestation determinations, functional behavioral assessments, and interim alternate educational settings. They will also
address the FAPE obligations under the new regulations, for both identified students and those in the reduced “deemed to
know” category.

Moderator: Marie M. Abbazio, Independent Evaluator, - PA
Co-Presenters: Jeff Champagne, Esq., McNees Wallace & Nurick - Harrisburg, PA
Jerry Tanenbaum, Esq., Schander Harrison Segal and Lewis - Philadelphia, PA

Greatest Hits in “Reading” Case Law

With the increased focus on progress monitoring and meeting AYP in reading, nearly 40 published hearing/review officer and
court decisions have focused on reading methods under the IDEA. This session will share a systematic case law analysis and
provide best practice recommendations in light of the ongoing national controversies under the IDEA and NCLB.

Moderator: Diane Smith, Special Education Coordinator, Smethport Area School District - Smethport, PA
Co-Presenters: Dr. Kathleen Conn, Principal, Philadelphia School District - East Lansdowne, PA
Sandra L. Lascari, Esq., Law Offices of Sandra Lascari, - Madison, NJ

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

1:40 p.m. – 2:40 p.m.  |  G. Who Has the Burden of Proof?

Has the Supreme Court's decision in *Schaffer v. Weast* made a significant difference in the handling and trying of a special education case? The session will review *Schaffer* burden of proof analysis as interpreted and applied by hearing/review officers and the lower courts. The session will discuss the practical implications of these interpretations for not just the parties' attorneys but the parties themselves.

**Moderator:** Dr. Gina Scala, Professor, East Stroudsburg University  
**Co-Presenter:** Jane Williams, Esq., Sweet Stevens Tucker & Katz – New Britain, PA  
**Charles W. Jelley, Esq., Tremba & Jelley – Greensburg, PA**

2:50 p.m. – 3:50 p.m.  |  Repeat of sessions G, H, I, J, K, and L