Education & Disability Clinic

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Introduction

- Librarians are available to help you with your clinic research
- Resources you’ll use in the clinic are different from those used in LWR
- Agency websites are a valuable starting point for your education and disability clinic research
Administrative Law

- Administrative law makes up a huge portion of “the law”
  - Executive Orders
  - Regulations
  - Agency Decisions
• Regulations are “enabled” by statutes
  • Legislature authorizes an administrative agency to promulgate regulations that provide more detail than the statute
  • You need to research both the statute and the regulation
Welcome to the Office of Administrative Law

The Office of Administrative Law (OAL) ensures that agency regulations are clear, necessary, legally valid, and available to the public. OAL is responsible for reviewing administrative regulations proposed by over 200 state agencies for compliance with the standards set forth in California’s Administrative Procedure Act (APA), for transmitting these regulations to the Secretary of State and for publishing regulations in the California Code of Regulations.

Learn More About OAL
Frequently Asked Questions
Select a category below to view document collections by type.

Bills and Statutes
Budget and Presidential Materials
Congressional Committee Materials
Congressional Rules and Procedures
Directories of Organizations and Officials
Executive Agency Publications
Judicial Publications
Legislative Agency Publications
Proceedings of Congress and General Congressional Publications

Regulatory Information

CFR Index and Finding Aids
CFR Parts Affected from the Federal Register
Code of Federal Regulations
Federal Register
Federal Register Index
List of CFR Sections Affected
Privacy Act Issuances
Unified Agenda
Agency Decisions

• Many agencies are empowered to adjudicate disputes
• How these are published, if they are published, and what legal effect they have varies widely from agency to agency
• Begin research at the agency’s website
Search Special Education Decisions

Any person can use the search system to look up decisions for Special Education cases handled by the Office of Administrative Hearings (OAH).

The search system provided herein offers a simple word search with no options for further filtering or refinement of the search. Recognizing that our community would be better served with a more advanced search capability OAH is actively working on an upgrade to the search capability available through our website to allow more responsive information retrieval. We appreciate your patience and welcome any comments or requests for additional features.

Pending completion of this upgrade, if experiencing issues with the Decision Search function, please try viewing the Special Education Division’s Decisions using Box.com. Box.com may be accessed at DecisionBox or by copying and pasting into your browser the following URL: https://dgscloud.box.com/v/OAHSEDecisionBox. From Box.com, a copy of the entire database can be downloaded or with the use of a Box.com account (which can be created for free) the Box.com search feature can be used, which may yield more accurate search results.

LIST SERVE

OAH maintains a list called a ListServe which allows OAH to send to interested people copies of our decisions when they are issued, as well as the occasional announcement. If you wish to be added to this list please use the quick link to the left entitled, "To Request Copies of Our Decisions Issued" by clicking on the blue box beneath.

SEARCHING SPECIAL EDUCATION ORDERS

Some Special Education Orders will soon be available through our search feature. OAH will only be posting a limited number of orders issued. As OAH issues a large number of orders on an ongoing basis, most of which are extremely similar, posting all orders provides no
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The orders posted will be based on the type of order, the relief granted such as "request denied" or "request granted," and the relationship of the order to parties' access to due process of law.

SEARCHING SPECIAL EDUCATION DECISIONS

Decisions are accessible through the quick link button to the right.

Special Education decisions issued from 1993 through June 30, 2005, are maintained by California Department of Education. Go to decisions issued 1993 to July 1, 2005 to view these decisions.

General instructions on how to search for decisions or order relevant to a particular issue are provided below.

Instructions:

1. Click on either the Decision button provided on the left hand side of this screen.

2. In the Search field near the top of the page, enter the word or phrase that is an essential part of the subject you are seeking. For example, if you would like decisions or orders that discuss issues related to requests for “Stay Put” relief, type “Stay Put” in this field.
Decisions

For information and instructions regarding speeches see the Search Information Page.

"speech therapy"

1 - 25 of 143 results

[PDF] BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

She recommended that he receive speech therapy services in his classroom. 6.

[PDF] BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

Mason in speech therapy sessions. 34. Student's IEP dated two months.

[PDF] BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF CALIFORNIA ...

He also asked District to provide speech therapy outside of the school day. 46.
CALIFORNIA DEP’T OF EDUCATION
SPECIAL EDUCATION

HTTP://WWW.CDE.CA.GOV/SP/SE/
Special Education
Information and resources to serve the unique needs of persons with disabilities so that each person will meet or exceed high standards of achievement in academic and nonacademic skills.

Administration & Support
Activities of special education advisory groups and other related information.

Announcements & Current Issues
Current and upcoming events, time-sensitive issues, and hot topics.

Common Core Resources for Special Education
Resources and guidelines on the Common Core State Standards (CCSS) for the Special Education Community.

Data Collection & Reporting
Searchable databases and software for reporting and retrieving special education related information.

Equal Opportunity & Access
Discloses the practices of the California Department of Education to ensure equal, fair, and meaningful access to its employment and program services.

Family Involvement & Partnerships
Resources and support for parents, guardians, and families of children with disabilities.

Laws, Regulations, & Policies
Federal and state legislation, laws, regulations, policies, legal advisories, and guidance.

Quality Assurance Process
Resources to improve educational outcomes for students with disabilities while ensuring compliance with state and federal laws and regulations.

Secondary Transition Planning
Resources and guidelines to assist youth with disabilities as they transition from school to adult life, including education and training, employment and independent living.

Services & Resources
Programs and services available to students with disabilities, publications, training and technical assistance opportunities, and recruitment resources and materials.

Questions: Special Education Division | specedinfoshare@cde.ca.gov | 916-445-4613
Last Reviewed: Wednesday, July 31, 2019
Laws, Regulations, & Policies
Federal and state legislation, laws, regulations, policies, legal advice, and guidance.

State
Laws
- [California Special Education Reference (CASER)](#) (Posted 22-Jan-2015)
  A word searchable database of special education related state and federal statutes and regulations, federal guidance documents, and editions of the Federal Register.

Policy
- [Size And Scope](#) (Updated 30-May-2008)
  Of Special Education Local Plan Areas as approved by the State Board of Education at the November 17-18, 1983 meeting.

Guidance
- [Official Letters from the California Department of Education](#) Special Education Division, State Director of Special Education (Updated 27-Jul-2020)
  Provides program clarification on procedural and/or implementation issues.

  - [Special Education Transportation Guidelines](#) (Updated 26-Dec-2018)
    Guidelines for use by Individualized Education Program (IEP) Teams when determining required transportation services.

Legislative Report
  Report to the Legislature, Department of Finance, and the Legislative Analyst’s Office.

Federal
Laws
- [Reauthorization of the IDEA 2004](#) (Updated 18-Sep-2018)
California Department of Education, Special Education Division Web page

http://www.cde.ca.gov/sp/se/

The purpose of the Special Education Reference™ is to provide accurate and trustworthy information on special education statutory and compliance information as well as curriculum, instruction and assessment policy. The Special Education Reference™ is available for use with the understanding that MicroScribe Publishing, Inc. is not a provider of legal advice. Appropriate legal services should be secured if legal advice is needed.
assigned under either of those sections to be a surrogate parent.

(24) Parent organization

The term "parent organization" has the meaning given the term in section 1471(g) of this title.

(25) Parent training and information center

The term "parent training and information center" means a center assisted under section 1471 or 1472 of this title.

(26) Related services

(A) In general

The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(B) Exception

The term does not include a medical device that is surgically implanted, or the replacement of such device.

(27) Secondary school
The San Diego Unified School District is dedicated to identifying, locating and assessing all students within the district from birth to 21 years of age who may have disabilities, and providing appropriate support and/or related services to those students determined by an educational evaluation.

The District is committed to providing eligible students with disabilities a free and appropriate public education consistent with federal and state laws, including those students enrolled in private schools, wards of the state, highly mobile students with exceptional needs, etc. For information call 619-725-7700.

These services are provided based on the individual needs of the student. After a team, comprised of educational professionals and the parent(s), determines a student's unique needs and considers a variety of factors, an Individual Education Program (IEP) is created. An IEP is a legal document that describes how the San Diego Unified School District provides services to a student with exceptional needs. Special Ed support and services are provided under the Individuals with Disabilities Education Act (IDEA 2004).
NEWS RELEASES & ADVISORIES

Steel Beam Inscribed with Mandarin Messages of Hope Marks Milestone for Pacific Beach Middle School
01/21/2021

While Pacific Beach Middle School staff and students are teaching and learning online, construction milestones are being reached on their new state-of-the-art classroom building. The final steel beam was hoisted into place in late October on the new two-story classroom facility, which will include 26 classrooms with modern technology and designated collaborative spaces.

San Diego Unified COVID-19 Testing at Penn Elementary School
01/11/2021

Letter To Governor Newsom from California Superintendents
01/06/2021

Read More
Alerts
Monitor the web for interesting new content

Search for "special education" and COVID

Enter email
Create Alert
Show options

Alert preview

NEWS

Is The Pandemic A Chance To Reimagine Special Education?
Disability Scoop
But when schools shuttered for the coronavirus last spring, Vaughn gained a slew of new responsibilities, like helping her kids access virtual ...

Centennial High educational assistant passes from COVID-19 complications
Las Cruces Sun-News
27 from complications related to COVID-19. Jose Reyes, 59, worked as an educational assistant in special education at Centennial High School.

No in-person school in Chicago as labor dispute drags on over COVID-19 safety plan
Reuters
Late on Wednesday evening, Chicago Public Schools told some 67,000 pre-kindergarten, special education, elementary and middle school students, ...

Podcast's new series explains impact of COVID-19 to our society and institutions
Penn State News
*With our newest series, we explore how the pandemic has impacted a variety of important areas and vital issues such as special education delivery to ...
Serving Californians with Developmental Disabilities

The California Department of Developmental Services (DDS) ensures that Californians with developmental disabilities have the opportunity to lead independent, productive lives in their community of choice. DDS oversees the coordination and delivery of services to more than 330,000 individuals who have cerebral palsy, intellectual disabilities, Down syndrome, autism, epilepsy and related conditions through a network of 21 regional centers and state-operated facilities.

Learn More
Department Directives

- January 29, 2021: Contacting Consumers and Planning for COVID-19 Activities
  - Enclosure: FDC and PDC I/DD Surge Referral Process
- January 27, 2021: Guidance Regarding Reporting Requirements for Alternative Nonresidential Services
- January 15, 2021: Extension of Waivers, Modifications and Directives due to COVID-19
- January 8, 2021: Rates for Supported Living Services When Quarantine/Isolation is Necessary During COVID-19
- January 4, 2021: Update Regarding Monthly Rates for Transportation and Group Supported Employment for Alternative Nonresidential Services
- January 4, 2021: Guidance Regarding Reporting Requirements for Alternative Nonresidential Services
  - Enclosure: December 2020 Reporting Survey
- December 23, 2020: Overtime Pay for Participant-Directed Respite Services During the COVID-19 State of Emergency
  - Pago Por Horas Extra Por Servicios De Respiro Dirigidos Por El Participante Durante El Estado De Emergencia De COVID-19
  - Summary | Listen in English | Escuché en Español | Watch in ASL
  - Spanish
  - Tagalog
  - Vietnamese
  - Chinese Simplified
  - Chinese Traditional
- December 23, 2020: Extension of Waivers, Modifications and Directives due to COVID-19
- December 18, 2020: Extension of Waivers, Modifications and Directives due to COVID-19
- December 2, 2020: Guidance Regarding Monthly Rates and Applicable Services for Alternative Nonresidential Services
  - Enclosure A: Suggested Template for Submitting Questions to the Regional Center
  - Enclosure B: Service Codes with Calculated Monthly Rates for Alternative Services

Contact Information

Email: DDSC19@dds.ca.gov
Regional Centers

DDS oversees the coordination and delivery of services for Californians with developmental disabilities through a statewide network of 21 community-based, non-profit agencies known as regional centers. These regional centers develop, purchase and manage services for individuals and their families.
We are here to help!
During this difficult time for the individuals and families we serve, SDRC is in operation and readily available to support our clients, families and providers.

Click for COVID-19 information

Apply for Services
Any resident of San Diego or Imperial County believed to have a developmental disability, may apply for services. The intake procedure will determine eligibility based on social, medical and psychological information gathered.

Read More

Who We Are
The San Diego Regional Center is one of 21 regional centers that provide services to persons with developmental disabilities in California. Are you interested in working for the best regional center? View the current Employment Openings.

Read More

Services We Offer
The San Diego Regional Center provides a variety of services to persons with developmental disabilities and their families. Services are based on the client's individual needs and intended to maximize their independence and full potential.

Read More
Welcome to the U.S. Department of Education's Individuals with Disabilities Education Act (IDEA) website, which brings together IDEA information and resources from the Department and our grantees.

Whether you are a student, parent, educator, service provider, or grantee, you are here because you care about children with disabilities and their families and want to find information and explore resources on infants, toddlers, children, and youth with disabilities.

Thank you for visiting the IDEA website. If you have feedback regarding the site, please let us know on our blog.

https://sites.ed.gov/idea/
Remote education and supporting elementary and secondary students with disabilities during the COVID-19 Pandemic

Cross-posted from the Office of Ed Tech

Understanding how to best address the needs of students with disabilities during extended school building closures is a challenging task. Students with disabilities in elementary and secondary schools include those who have an individualized education program (IEP) under the Individuals with Disabilities Education Act (IDEA), and students
First Set of Reflection Questions: Selecting components of your remote learning strategy

Selecting materials used for instruction:

- As you select educational learning materials, do you have a clear vision for how they will work to support learners in meeting their individualized learning goals? (Greer, Rowland, & Smith, 2014).
- Do your lessons and materials offer simple, clear instructions for assignments that give flexibility and choice to students without sacrificing rigor? Do these choices consider issues like internet connectivity, access to assistive technology devices and services required to effectively use the devices, required accessibility of the materials for students with disabilities, relevance for students with varied background knowledge, variety among student interests, and home learning environment? (CAST, 2018).

Accessing tools and supports:

- Do students with disabilities have access to either the same devices, tools, and assistive technology services that they were provided during in-class instruction as reflected in their individualized education programs (IEPs), or if applicable Section 504 plans, or an equally effective substitute that will appropriately meet their individual learning needs?
- Are parents and teachers supported with appropriate resources to help them access their child's learning platforms, troubleshoot technology, or find relevant supplementary materials? (Borup, Chambers, & Stimson, 2017).
- How responsive is the State or district in responding to requests from the student or parent for assistance with troubleshooting technology or demonstrating how to use the technology to facilitate remote learning?
- Does the State or district have a procedure for evaluating the accessibility of digital materials and technologies selected for teacher and student use while a remote learning period is taking place? (CAST, 2020).

Supporting parents and families:

- Are you clearly communicating updates and expectations with parents and families? What methods of communication are being used?
- Are your communication efforts coordinated and balanced so that parents have access to the information they need to support their child’s learning in a timely manner?
Probate Forms

- Probate Packets
  - Guardianship of the Person Packet
    PKT-012 (Rev: 02/18)
  - General Conservatorship of the Person Packet
    PKT-045 (Rev: 01/19)
  - Limited Conservatorship of the Person
    PKT-030 (Rev: 01/19)
  - Fee Waiver Packet – Guardianships and Conservatorships
    PKT-041 (Rev: 03/19)
  - Fee Waiver Packet
    PKT-010 (Rev: 03/19)
  - Probate Mediator Packet
    PKT-037 (Rev: 12/17)

Judicial Council Probate Forms

- Decedents' Estates
- Guardianships and Conservatorships
- Miscellaneous
Westlaw & Lexis have little to offer

No education law treatises

Few education law treatises
Secondary Sources and Practice Guides

Use these books to get an overview of special education law and specific legal issues your clients may have. Some contain detailed step-by-step guidance and sample letters for parents and attorneys.

Special Education Law in a Nutshell (E-book) by Ruth Colker
Call Number: West Academic ebook
ISBN: 1683285891
Publication Date: 2018

A Guide to Special Education Advocacy: What Parents, Clinicians, and Advocates Need to Know (E-book)
Call Number: Copley Internet - KF4209.3 .C64 2009eb
An electronic book downloadable by USD users. Includes an appendix with sample letters that parents may use when requesting due process hearings, records, and evaluations, or when placing a child unilaterally into a private school.

Special Education Law by Laura F. Rothstein, Scott F. Johnson
Call Number: LRC Reading Room KF4210 .R68 2014
ISBN: 9781452241098
Publication Date: 2013

Special Education Law and Litigation Tutorials
Call Number: LRC Clinic KF4210 .W4 2017
Analyzes and defines key elements of special education law in language appropriate for both lawyers and non-lawyers. Available for use only in the legal clinic.

Approaching Education and Disability Clinic Research

Resources for the clinic are different than those used in Legal Writing and Research. In addition to statutes and case law, you will need to use administrative law sources.

Federal and state regulations
- CFR and Federal Register
- California Code of Regulations and Notice Register

Agency policy materials and decisions
- U.S. Department of Education
  - Office of Special Education and Rehabilitative Services (OSERS)
  - Office of Special Education Programs (OSEP)
- California Department of Education, Special Education Division
  - Website includes California-specific resources and information
  - Searchable special education administrative hearing decisions from 1993-2005
- Office of Administrative Hearings, Special Education Division
  - Searchable special education administrative hearing decisions from 2005-present

https://lawlibguides.sandiego.edu/education-and-disability/clinic
Statutes

• If there’s a statute on your issue, start there

• Use the annotations
  • important cases on topic
  • valuable secondary source analysis and practice guides

• Don’t forget regulations!
Case Law Research

• Avoid keyword searching, at least initially
• Use the statutes and secondary sources to identify important cases
• Use those cases to branch out to others that address your specific issues.
• Use the digest topic and key numbers on Westlaw; use the Headnotes on Lexis.
• Don’t forget to Shepardize/KeyCite!
Slides available on LRC website

https://www.sandiego.edu/law/library/research-trainings/clinics.php
Questions?

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www.sandiego.edu/law/library