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
- It’s okay to start with Google, but you cannot end there
Administrative Law

• Administrative law makes up a huge portion of “the law”
  • Executive Orders
  • Regulations
  • Agency Decisions
Regulations

- 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
Special Education Division

As part of the Office of Administrative Hearings, provides fair and neutral resolutions for special education disputes.

Decisions Search
Search OAH's Special Education Decisions

OAH Secure e-File Transfer System
The OAH Secure e-File Transfer (SFT) system allows users to send to OAH, and receive from OAH, electronic documents.

Special Education Calendar Access
For information on existing mediation, hearing, and prehearing conference dates, visit the Special Education Calendar page.
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.

Send Comment

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 additional benefit. Additionally, if OAH posted all orders issued, the volume would present a barrier to learning about the types of orders issued.

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.
1. Did San Bernardino deny Student a free appropriate public education from July 7, 2015 to the date the complaint was filed by failing to:
   a) Provide Student with a one-to-one assistant after parental request;
   b) Develop a behavior intervention plan;
   c) Provide Student with an appropriate amount of speech and language services to meet his unique needs?

2. Did San Bernardino deprive Student’s parents of the ability to participate in the educational decision-making process by failing to provide copies of services records relating to speech and language services offered in Student’s individualized education plan?

SUMMARY OF DECISION

Student met his burden on Issue 1(c). The evidence established that San Bernardino did not provide Student with an appropriate amount of speech therapy services. At hearing, Special Education Director Mr. Dominguez admitted Student should have received more speech therapy sessions and he was entitled to make up missed sessions. San Bernardino eventually gave Parents the speech therapist’s service logs which reflected missing weeks of services, without explaining to Parents that a discrepancy existed in Student’s initial IEP regarding the amount of speech therapy he was entitled to receive. However, Student did not prove he had communication needs that required more speech therapy services during the regular school year than thoseSan Bernardino offered in his July 7, 2015 initial IEP.

Student also met his burden on Issue 2. San Bernardino deprived Parents the opportunity to meaningfully participate in the development of the October 28, 2015 IEP meeting regarding speech services. Parents asked for but did not receive service logs from
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 advisories, 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 16-Mar-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)
  Links to important references and resources on the Reauthorization of the Individuals with Disabilities Education Act (IDEA).

Regulations
- Part B Regulations of the IDEA 2015 (PDF)
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.

California Special Education Reference
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
Special Education

Overview

URGENT COVID-19 UPDATE

COVID 19 (English)

COVID 19 (Spanish)

Forms and Information

Special Education Supports

Commissioned Reports on Special Education (Heir Report, Naranjo Report and Hernandez Overidentification Report)

Parent Opportunities

- Parent Services
- CAC website

Area Superintendent’s Learning Communities

Support and Services

Parent Services

CAC Web site
Ready for the Fall - Back to School on August 31

Posted: Thursday, June 18th 2020

San Diego Unified schools will reopen in the fall with a focus on health and safety, according to a vote on June 16 by the Board of Education. Students will have a choice of attending class either on campus, online or a combination of both.
Alerts
Monitor the web for interesting new content

Search for: "special education" and COVID

- How often: At most once a day
- Sources: News
- Language: English
- Region: United States
- How many: Only the best results
- Deliver to: eparker-10@sandiego.edu

Create Alert

Alert preview

NEWS

Ed Department Issues New Guidance On Special Education During Pandemic
Disability Scoop
The U.S. Department of Education is offering up details about how states and schools can address special education disputes in light of the COVID-19...

Special education guidelines create uncertain future as schools struggle to help students
WRGB
ALBANY NY (WRGB) - In only two weeks, special education classes will resume in New York State, but uncertainty looms. Sunday, the State...
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.
Coronavirus Information and Resources

The safety of all Californians with intellectual and developmental disabilities is our highest priority. We are facing changes in almost every part of our lives. To help limit the spread of COVID-19, regional centers and service providers are dedicated and working with consumers and their communities to identify different ways to help.

This page provides links to general information about COVID-19 and resources. If you still have questions after reading this information and talking with your local regional center and/or your local county public health office, you can email DDS_C19@dds.ca.gov. We will check this email daily and route questions to the correct DDS staff for response(s).

- June 22, 2020: Criminal Background Checks for Self-Determination Program and Family Home Agencies
  - COVID-19 Request for Department of Justice Name Check
- June 18, 2020: Additional Guidance on Payments for Nonresidential Services
- June 15, 2020: Extension of Early Start Services
- June 8, 2020: Extension and Rescission of Waivers, Modifications and Directives due to COVID-19
- June 8, 2020: Availability of Personal Protective Equipment
- May 22, 2020: Guidance for Fingerprint Clearance and Transfers
- May 22, 2020: Amended Requirements for Reporting Incidents Related to COVID-19
  - Summary
- May 18, 2020: Extension of Waivers, Modifications and Directives due to COVID-19
- May 8, 2020: Extension of Waivers, Modifications and Directives due to COVID-19
- May 7, 2020: Additional Guidance on Payments for Non-Residential Services
  - Summary
- May 1, 2020: Regional Center Messaging to Local Communities during COVID-19 Outbreak
  - Summary
Eligibility & Services
Who can get regional center services

Individual Program Planning
Person-centered choices

Self-Determination Program
Choice and flexibility in selecting services

- Consumer Rights, Appeals & Complaints
  Options for resolving concerns

- Laws & Regulations
  Lanterman Act and Title 17

- Competitive Integrated Employment
  Success in the workplace

- Information Packet for Consumers & Families
  Navigate regional center services

advocates and professionals who help them live their best lives.
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.
Recent Guidance on COVID-19 and IDEA

https://sites.ed.gov/idea/topic-areas/#COVID-19
https://www.ed.gov/coronavirus
June 22, 2020

The Office of Special Education Programs (OSEP), within the U.S. Department of Education’s (Department) Office of Special Education and Rehabilitative Services, issues this Question and Answer (Q & A) document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part B dispute resolution procedures in the current COVID-19 environment.

This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. It does not create or confer any rights for or on any person. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding and does not establish a policy or rule that would apply in all circumstances.

To review other Q & A documents that OSEP has provided related to COVID-19, please visit https://sites.ed.gov/idea/topic-areas/#COVID-19. Additional information specific to the COVID-19 pandemic may be found online at https://www.ed.gov/coronavirus.
IDEA PART B DISPUTE RESOLUTION PROCEDURES

Q1. How can parents and public agencies resolve disagreements regarding special education matters while school buildings and other public facilities are closed due to the pandemic?

OSEP encourages parents and local educational agencies (IEAs) to work collaboratively, in the best interest of children with disabilities, to resolve disagreements that may occur when working to provide a positive educational experience for all children, including children with disabilities. In its March 21, 2020 Supplemental Fact Sheet, the Department recognized that during the national emergency, schools may not be able to provide all services in the same manner that they are typically provided, and encouraged parents, educators, and administrators to collaborate creatively to continue to meet the needs of children with disabilities. Timely communication between parents and public agency staff can often help resolve disagreements that may arise regarding the educational services provided to a child with a disability during the pandemic. However, when those informal efforts prove unsuccessful, IDEA’s three dispute resolution mechanisms — mediation, State complaint, and due process complaint procedures — are available.

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www.ed.gov
The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Q2. Is a State educational agency (SEA) permitted to extend the 60-day time limit for resolving a State complaint1 due to circumstances related to the pandemic?

Yes, but only on a case-by-case basis. Under 34 C.F.R. § 300.152, a State’s minimum State complaint procedures under Part B of IDEA must include a 60-day timeline for complaint resolution. The regulations specify two allowable reasons for extending the 60-day time limit: (1) if exceptional circumstances exist with respect to a particular complaint; or (2) if the parent (or individual or organization, if mediation or other alternative means of dispute resolution are available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State. 34 C.F.R. § 300.152(b)(1).

With regard to the “exceptional circumstances” exception to the 60-day timeline, States will need to determine on a case-by-case basis whether it is appropriate to extend the 60-day time limit for a particular complaint due to exceptional circumstances related to the pandemic or related health and safety restrictions. An SEA may not categorically determine that it will not undertake complaint resolutions during the pandemic based solely on its assumption that COVID-19 is an exceptional circumstance that would warrant an extension of the 60-day complaint resolution timeline for all complaints.
COVID-19: The Court is now open for most business operations. Court hearings are limited to video or telephone conference only. Click here for more information.
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
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!
Other resources for your clinic work

• Client interviewing and counseling
• Legal reasoning & writing
• Trial & advocacy skills
• Citation
• Legal research guides
• Rules Governing the Practical Training of Law Students
  • http://www.calbar.ca.gov/Admissions/Special-Admissions/Practical-Training-of-Law-Students
  • http://www.courts.ca.gov/cms/rules/index.cfm?title=nine&linkid=rule9_42
Slides available on LRC website

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

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