

Education & Disability Clinic



Liz Parker
USD Legal Research Center
eparker-10@sandiego.edu

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

California Code of Regulations (CCR) & Notice Register (aka Z register) <http://www.oal.ca.gov/>



Contact Us  Settings



-  Rulemaking Process ▾
-  Underground Regulations ▾
-  Publications ▾
-  Laws ▾
-  Training
-  About OAL
-  Census 2020
-  Search



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](#)

Proposed Regulations Under Review	Proposed Emergency Regulations Under Review	California Regulatory Notice Register	California Code of Regulations
Recent Actions Taken On Proposed Regulations	Recent Actions Taken On Proposed Emergency Regulations	Underground Regulation Petitions Under Review	Agency Links to Recently Approved Regulations

Office of the Governor
Gavin Newsom
[Visit the Governor's website](#)



Secretary, Government Operations Agency
Yolanda Richardson
[Visit Government Operations Agency's website](#)

Director
Kenneth J. Davis

Code of Federal Regulations (CFR) & Federal Register (FR) <https://www.govinfo.gov/>



[Browse](#) [About](#) [Developers](#) [Features](#) [Help](#) [Feedback](#)

Discover U.S. Government Information

Search

Advanced

Citation

What are you searching for?

SEARCH



A to Z

Browse documents by alphabetical order



Category

Browse documents in specific collections



Date

Browse documents within a timeframe or date range



Committee

Browse documents by the issuing committee



Author

View documents by government authors

Recent

[Congressional Record Daily Digest](#)

[Federal Register Table of Contents](#)

[House Calendar](#)

[Senate Calendar](#)

Trending

[George Floyd Justice in Policing Act of 2020, H.R. 7120](#)

[George Floyd Justice in Policing Act of 2020, H. Rept. 116-434, Part 1](#)

[Just and Unifying Solutions To Invigorate Communities Everywhere](#)

[Act of 2020, or the JUSTICE Act, S. 3985](#)

Browse by Category

Share

A to Z

Category

Date

Committee

Author

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

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



OFFICE OF ADMINISTRATIVE HEARINGS

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

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).

SEARCH THE DECISIONS DATABASE

Click the button below to visit the page on which you can search OAH's Special Education Division's Decisions database. Note: this database includes available Decisions issued on or after July 1, 2012.

[SEARCH DECISIONS](#)

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.

TO RECEIVE COPIES OF DECISIONS VIA EMAIL

Click the button below to submit your

Education Division's Decisions emailing list. Be sure to include your name and email address at which you wish to receive copies of the decisions.

[ADD TO LISTSERVE](#)

REQUEST ALTERNATIVE FORMATS

All publications on this website are available in alternative formats. If you would like a copy of a publication in an alternative format, please contact us:

[SEND A REQUEST](#)

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.



Decisions

For information and instructions regarding search, see the [Search Information Page](#).

"speech therapy"

SEARCH

1 - 25 OF 143 RESULTS

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

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

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

Mason in **speech therapy** sessions. 34. Student's IEP dated 10/28/15. 1 month.

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

He also asked District to provide **speech therapy** outside of the school day. 46.

ISSUES¹

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 those San 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

CALIFORNIA DEP'T OF EDUCATION SPECIAL EDUCATION

[HTTP://WWW.CDE.CA.GOV/SP/SE/](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](#) | spcedinfoshare@cde.ca.gov | 916-445-4613

Last Reviewed: Wednesday, July 31, 2019

Share this Page



Trending in Special Education

Special Education (this page)

[Laws, Regulations & Policies](#)

[Data Collection & Reporting](#)

[California Special Education Local Plan Areas](#)

[Services & Resources](#)

[More Trending Items](#)

Recently Posted in Special Education

[ACSE Meeting Webcasts](#) (updated 22-Jun-2020)

Live and recent webcasts of the California Advisory Commission for Special Education (ACSE) meetings.

[ACSE Agenda June 17, 2020](#) (updated 16-Jun-2020)

Advisory Commission on Special Education (ACSE) meeting agenda.

[Ideas for Implementing Employment First Activities](#) (added 01-Jun-2020)

Helping educators prepare students to

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

- [Ravenswood Budget Report](#) (Posted 26-Jun-2017)
 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](#)  (DDE)

Share this Page



Trending in Special Education

[Special Education](#)

Laws, Regulations & Policies (this page)

[Data Collection & Reporting](#)

[California Special Education Local Plan Areas](#)

[Services & Resources](#)

[More Trending Items](#)

Recently Posted in Special Education

[ACSE Meeting Webcasts](#) (updated 22-Jun-2020)

Live and recent webcasts of the California Advisory Commission for Special Education (ACSE) meetings.

[ACSE Agenda June 17, 2020](#) (updated 16-Jun-2020)

Advisory Commission on Special Education (ACSE) meeting agenda.

[Ideas for Implementing Employment First Activities](#) (added 01-Jun-2020)

Helping educators prepare students to

- 20 U.S.C. 1232g - Family Educational and Privacy Ri
 - 20 USC CHAPTER 33 - Education of Individuals with
 - 20 U.S.C. CHAPTER 70 - NCLB - Strengthening and
 - HIPAA Administrative Simplification - Regulation Text
 - CODE OF FEDERAL REGULATIONS (CFR)
 - C.F.R. Title 34--Education--Part 99 - Family Education
 - C.F.R. Title 34--Education--Part 104 - Nondiscriminat
 - C.F.R. Title 34--Education--Part 200 - Helping Disadv
 - C.F.R. Title 34--Education--Part 300 - Assistance to S
 - 42 U.S.C CHAPTER 119, VI, Part B - Education for H
 - UNITED STATES DEPARTMENT OF EDUCATION
 - US Office of Special Education Programs (OSEP)
 - Office for Civil Rights
 - A TRANSITION GUIDE TO POSTSECONDARY EDU
 - Every Student Succeeds Act (ESSA)
 - Rescinded per US DOE/OSERS - October 20, 2017
 - OSERS Framework - September 20, 2018
 - Office of Special Education and Rehabilitative Service
 - Letter to Chief State School Officers > English Learne
 - Letter to Chief State School Officers and State Attorn
 - Secretary's E- Mail on Fraud (September 7, 2010)
 - Restraint and Seclusion: Resource Document (May 1
 - Dear Colleague Letter - Joint Letter Family Engagem
 - Dear Colleague Letter - Joint Letter Foster Care 2016
 - Dear Colleague Letter - Stakeholder Engagement 20
 - Joint Policy Statement on Inclusion of Children with C
 - Dear Colleague Letter - Fact Sheet & FAQs - Effectiv
 - CALIFORNIA STATUTES
 - BUSINESS AND PROFESSIONS CODE
 - EDUCATION CODE
 - GOVERNMENT CODE
 - HEALTH AND SAFETY CODE
 - WELFARE AND INSTITUTIONS CODE
 - CALIFORNIA CODE OF REGULATIONS (CCR)
 - Title 2. Administration
 - Title 5. Education
 - Title 17. Public Health
 - SELECTED JUDICIAL DECISIONS



CALIFORNIA SPECIAL EDUCATION REFERENCE

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

occupational therapy

Contents Search Hit List Archive Favorites

- (37) CALIFORNIA SPECIAL EDUCATION REFERENCE
 - (3) UNITED STATES CODE (USC)
 - (2) 20 USC CHAPTER 33 - Education of Individuals w
 - (1) SUBCHAPTER I - GENERAL PROVISIONS
 - (1) **Sec. 1401. Definitions**
 - (1) SUBCHAPTER III - INFANTS AND TODDLERS
 - (1) HIPAA Administrative Simplification - Regulation Te
 - (1) CODE OF FEDERAL REGULATIONS (CFR)
 - (16) UNITED STATES DEPARTMENT OF EDUCATION
 - (6) CALIFORNIA STATUTES
 - (11) CALIFORNIA CODE OF REGULATIONS (CCR)

Save This Search

Term	Policy Count
"occupational therapy"	37



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

Home » Academics » Programs

Overview

Special Ed Contact List

Special Education Organizational Chart

Area Superintendent's Learning Communities

Support and Services

Parent Services

CAC Web site

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](#)



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.

Translate

Select Language ▼

News Releases & Advisories

- ▶ **MEDIA ADVISORY:** Fern Street Circus to Celebrate Summer Meals with Students, Families, in Socially Distanced Performance at Clark Middle School
- ▶ **NEWS RELEASE -** San Diego Unified to Recognize Juneteenth as a Holiday, Raise Black Lives Matter and Pride Flags
- ▶ **NEWS RELEASE -** Qualcomm Technologies Donates Hundreds of Always-Connected Personal Computers to San Diego Unified School District for Distance Learning Support

Alerts

Monitor the web for interesting new content

🔍 "special education" and COVID



How often

Sources

Language

Region

How many

Deliver to

Create Alert

Hide options ▲



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 ...

google.com/alerts

CALIFORNIA DEP'T OF DEVELOPMENTAL SERVICES

[HTTP://WWW.DDS.CA.GOV/](http://www.dds.ca.gov/)



Search Department of Developmental Services 

Coronavirus

Information & Resources



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](#)

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 DDSC19@dds.ca.gov. We will check this email daily and route questions to the correct DDS staff for response(s).

Individuals & Families

Department Directives

Vendors & Service Providers

State Updates

Data

Training

General Information

- June 22, 2020: [Criminal Background Checks for Self-Determination Program and Family Home Agencies](#) NEW
 - [COVID-19 Request for Department of Justice Name Check](#) NEW
- June 18, 2020: [Additional Guidance on Payments for Nonresidential Services](#) NEW
- 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](#)



Regional Center Listings

Find your local offices



Vendor/Provider Information

Bridge Funding, Rate Changes, Rate Study, Reimbursement Rates



Equity Initiative

Working with the diverse people of California



Regional Center Dashboard

Oversight, accountability and transparency

Eligibility & Services

What's needed to qualify for regional center programs

Consumer Rights, Appeals & Complaints

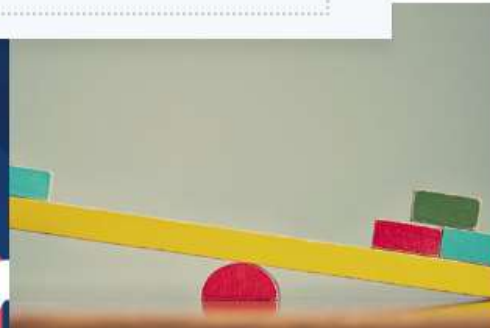
Options for resolving concerns

National Core Indicators

How services are working

Spotlight

Profiles & success stories





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.



**SAN DIEGO
REGIONAL CENTER
[HTTP://SDRC.ORG](http://SDRC.ORG)**



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](#)



Building the Legacy:
IDEA 2004



U.S. Department
of Education



Office of Special Education and
Rehabilitative Services (OSERS)



Office of Special
Education Programs (OSEP)



OSERS Blog



Contact Us



IDEA State Contacts

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/>



U.S. Department of Education

- Student Loans
- Grants
- Laws
- Data

<https://www2.ed.gov/about/offices/list/osers/policy.html>

OSERS

Office of Special Education and Rehabilitative Services

- Home
- Programs/Initiatives
- Office Contacts
- Reports & Resources
- News
- About Us
- OSEP
- RSA

Welcome to OSERS

- Home
- About
- People
- Programs
- Funding
- Policy
- Products
- Resources
- Contact

OSERS SPOTLIGHT

NEW! *ED Provides Technical Assistance Webinar on Restraint and Seclusion*

The U.S. Department of Education released the following webinar—*Students with Disabilities and the Use of Restraint and Seclusion in K–12 Public Schools*—as technical assistance to both support children with disabilities, and support the needs of those within school systems serving students.

- What's New In...
 - OSEP | RSA
- Resource Highlights
 - Disaster Help!
 - [IDEA Website](#)
 - [ESSA](#)
 - [GRADS360°](#)
 - [IDEAs That Work](#)

How Do I Find...

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms

More >

Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning

Recent Guidance on COVID-19 and IDEA



U.S. Department of Education



Student Loans

Grants

Laws

Data

COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel

Health officials are currently taking steps to prevent the introduction and spread of COVID-19 ("Coronavirus") into communities across the United States. [Coronavirus.gov](#) offers the most up to date information about this rapidly evolving situation.

Through collaboration and coordination with State and local health departments, State and local educational agencies, other education officials, and elected officials, schools can disseminate critical information about the disease and its potential transmission to students, families, staff, and community.

[The Centers for Disease Control and Prevention \(CDC\)](#) has provided [guidance for school settings](#).

Additional Resources for Elementary and Secondary Schools:

- [IDEA Part B Dispute Resolution in COVID-19 Environment Q&A Documents](#) (June 22, 2020)
- [IDEA Part C Dispute Resolution in COVID-19 Environment Q&A Documents](#) (June 22, 2020)
- [Waiver Authority for the Period of Availability for Individuals with Disabilities Education Act \(IDEA\) Part B Funds: Letter Announcing Waiver Authority \(PDF\) | Request Form for Waiver \(PDF\)](#) (June 8, 2020)
- [Frequently Asked Questions document on "Maintenance of Effort" requirements in the CARES Act](#) (June 5, 2020)
- [Fact Sheet: Providing Services to English Learners During the COVID-19 Outbreak](#) (May 18, 2020)
- [Office of Indian Education \(OIE\) Formula/Title VI Flexibilities Letter – COVID-19](#) (May 13, 2020)

Coronavirus Resources

[Coronavirus.gov](#)

[Resources and Updates from CDC](#)

[Government Response to Coronavirus: COVID-19](#)

How Do I Find...?

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms
- More...

Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning

- <https://sites.ed.gov/idea/topic-areas/#COVID-19>
- <https://www.ed.gov/coronavirus>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

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

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 (LEAs) 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 this 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.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2800

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.

SAN DIEGO COUNTY SUPERIOR COURT OF CALIFORNIA

[HTTP://WWW.SDCOURT.CA.GOV](http://www.sdcourt.ca.gov)



- News and Notices
- Judges and Departments
- Rules of Court
- Accessing Court Records
- Resources
- Forms
- Fees
- Locations
- Hours and Holidays
- Contact Us
- Self-Help Center
- Language Access
- Employment
- Purchasing & Contracting
- Media and Education
- Volunteer Opportunities
- Related Links
- About Us

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.



Appointments Required at All Traffic Courts

★ Directions ✉ Contacts ⌚ Hours

Language Access Information

Court News

- June 19, 2020** **NEW**
General Order 061920-67 In Re: Adoption of Emergency Bail Schedule
- June 18, 2020** **NEW**
General Order 061820-66 In Re: Extending the Time Period in Penal Code Section 825 for Felony Offenses Where the Statutory Deadline Would Expire On or Between June 19, 2020 and July 15, 2020
- June 17, 2020** **NEW**
General Order 061720-65 In Re: Suspension of the Superior Court of San Diego County, Local Rules, Rule 2.5.8 for Unlawful Detainer Cases and Cases Seeking Civil Restraining Orders
- June 16, 2020**
San Diego Superior Court Jury Service Dismissed through June 26, 2020
- June 15, 2020**
General Order 061520-64 In Re: Extension of Time to Hold Preliminary Hearings

[More...](#)

Follow @SDSuperiorCourt

Online Services



Access Court Records

Find case information for most case types and view imaged documents for limited case types post 2011.



Register of Actions (ROA)

Case register of actions for Civil, Small Claims and Probate cases filed after Jan 1, 2008. Some documents available for viewing.



Family Register of Actions (ROA)

Case register of actions for Family Law cases. No documents will be available for viewing.



Pay Traffic Tickets

Pay your Traffic Ticket (Citation) or request Traffic School.



Tentative Rulings

Proposed rulings of the court.



Mediator Search

Search for mediators on the court Civil Mediation Panel.



Forms

List of court forms by case type.



Imaging and eFiling

Find information about [Civil Imaging](#), [Probate Imaging](#) and [Civil eFiling](#).



Court Calendar

View the five-day court calendar.



Family Law Workshop Appointments

Make an appointment for a Family Law Facilitator workshop at Family Court, North County, East County, or South County.



Pay Criminal Fines

Pay your Court Ordered Fine.



Probate Examiner Notes

Examiner's Notes are summaries prepared by the probate examiner after reviewing your petition.



New Case Filings

These cases are collected and processed overnight, and the party names are added to the new filings lists.



Check Jury Duty

Check Jury Status, Jury Reporting Instructions, Postponements, Payment Status, Work

Court Reporter Information



Have you been ordered or referred to attend a class or program? [Click here.](#)



Requests for Accommodations for Persons with Disabilities



Self-Help Center

Centro de Auto Ayuda (Español)



Traffic Services

Pay your traffic ticket online

Schedule a court appointment



Jury Services

Request Postponement, Disqualification, or Excuse from Jury Duty

Telephone Standby





- News and Notices
- Judges and Departments
- Rules of Court
- Accessing Court Records
- Resources
- Forms
- Fees
- Locations
- Hours and Holidays
- Contact Us
- Self-Help Center
- Language Access
- Employment
- Purchasing & Contracting
- Media and Education
- Volunteer Opportunities
- Related Links
- About Us

Welcome to the San Diego Superior Court

Our site exists to provide you with information on specific courts such as juvenile, family law, traffic



Appointments Required at All Traffic Court

- ★ Directions
- ✉ Contacts
- 🕒 Hours
- 🗣️ Language Access Information

- Wills, Estates & Trusts
- Guardianship
- Conservatorship
- Probate Examiner Notes
- Probate Examiner Email Parameters
- Tentative Rulings
- Forms
- Frequently Asked Questions
- Calendar
- Locations
- Fees
- Probate Rules
- Probate Mediation
- Appeals
- Probate Imaging
- Probate eFiling

ms, tentative rulings, daily court calendars, or information on information you need quickly and efficiently.

San Diego Superior Court Rules to Become Effective January 1, 2020

Planned Website Closure for Wednesday, June 5th from 7pm-10pm

Planned Website Closure for Wednesday, May 29th from 7pm-10pm

Present Inmates in Death Penalty-Related Habeas Corpus Proceedings

May, May 27, 2019

Follow @SDSuperiorCourt

Online Services



Access Court Records
Find case information for most case types and view imaged documents for limited case types post 2011.



Imaging and eFiling
Find information about [Civil Imaging](#), [Probate Imaging](#) and [Civil eFiling](#).



Register of Actions (ROA)
Case register of actions for Civil, Small Claims and Probate cases filed after Jan 1, 2008. Some documents available for viewing.



Court Calendar
View the five-day court calendar.



Family Register of Actions (ROA)
Case register of actions for Family Law cases. No documents will be available for viewing.



Family Law Workshop Appointments
Make an appointment for a Family Law Facilitator workshop at Family Court, North County, East County, or South County.



Pay Traffic Tickets
Pay your Traffic Ticket (Citation) or request Traffic School.



Pay Criminal Fines
Pay your Court Ordered Fine.



Tentative Rulings
Proposed rulings of the court.



Probate Examiner Notes
Examiner's Notes are summaries prepared by the probate examiner after reviewing your petition.



Mediator Search
Search for mediators on the court Civil Mediation Panel.



New Case Filings
These cases are collected and processed overnight, and the party names are added to the new filings lists.



Forms
List of court forms by case type.



Check Jury Duty
Check Jury Status, Jury Reporting Instructions, Postponements, Payment Status, Work Certification.



Requests for Accommodations for Persons with Disabilities



[Self-Help Center](#)

[Guide & File Forms Preparation Assistance](#)

[Centro de Auto Ayuda \(Español\)](#)



[Traffic Services](#)

[Pay your traffic ticket online](#)

[Schedule a court appointment](#)



[Jury Services](#)

[Request Postponement, Disqualification, or Excuse from Jury Duty](#)

Court Reporter Information



Have you been ordered or referred to attend a class or program? [Click here.](#)





Superior Court of California - County of San Diego: Probate: Probate Forms

[View a Case File](#)
[Probate Notes](#)
[Forms](#)
[E-Filing](#)
[FAQs](#)

Probate Forms

- [Probate Packets](#)
- [Judicial Council Forms](#)
- [Local Probate Forms](#)
- [California Department of Public Health Forms](#)
- [Preissued Subpoena 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](#)

- [Probate Home](#)
- [Wills, Estates & Trusts](#)
- [Guardianship](#)
- [Conservatorship](#)
- [Probate Examiner Notes](#)
- [Probate Examiner Email Parameters](#)
- [Tentative Rulings](#)
- [Forms](#)
- [Frequently Asked Questions](#)
- [Calendar](#)
- [Locations](#)
- [Fees](#)
- [Probate Rules](#)
- [Probate Mediation](#)
- [Appeals](#)
- [Probate Imaging](#)
- [Probate eFiling](#)



Westlaw & Lexis have little to offer

No education law treatises

What's new on Westlaw Edge?

THOMSON REUTERS
WESTLAW EDGE

LARRINGTON JANE History Folders Favorites

Enter terms, citations, databases, questions, anything ... California

Content types Federal materials State materials Practice areas

Content types	Federal materials	State materials	Practice areas
Admiralty & Maritime	Criminal Law		Government Con
Antitrust*	Data Privacy*		Health Law*
Bankruptcy*	Employee Benefits & Executive Compensation		Immigration*
Capital Markets*	Employment*		Insurance Law*
Commercial Law	Energy & Environment*		Intellectual Prop
Construction Law	Estate Planning		Medical Litigation
Corporate Counsel*	Family Law		Mergers & Acquis
Corporate Governance*	Finance & Banking*		Military Law

Few education law treatises

Lexis Advance® Research

Home / Education Law / All Education Law Treatises, Practice Guides & Jurisprudence

All Education Law Treatises, Practice Guides & Jurisprudence

Advanced Search | Tips

Enter a source name, a citation, terms or shep: [citation] to Shepardize®

Education Law; Treatises, Practice Guides & Jurisprudence

Search all sources on this page Select sources to search

General

Anderson's Ohio School Law Guide j	Missouri School Law (MoBarCLE) j
Bankruptcy Practice in Massachusetts (MCLE) j	Rapp, Education Law j
College and University Law (MCLE) j	School Law in Massachusetts (MCLE) j
Education Law j	Special Education Law in Massachusetts (MCLE) j
Massachusetts School Law Sourcebook & Citor (MCLE) j	

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](https://www.sandiego.edu/law/library/research-trainings/clinics.php)



Questions?

Liz Parker

USD Legal Research Center

619.260.4600 x2555

eparker-10@sandiego.edu

lrcrefer@sandiego.edu

619.260.4612

www.sandiego.edu/law/library

Have questions? **We're here.**



Ask a law librarian!

