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

- 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
- Independent Establishments and Government Corporations
- 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
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.

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 decision searches, please see the Search Information Page.

If experiencing issues with the Decision Search function or would like to request access to the entire database of Education Division’s Decisions using Box.com: https://dgscloud.box.com/s/05yxfla=08743v0kic30psr4705. The entire database can be downloaded or with the search feature access can be created for free) the Box.com search feature can be used to get accurate search results.

1 - 25 OF 288 RESULTS

speech therapy

ISSUES

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...
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 | specedinfo@share.cde.ca.gov | 916-445-4613
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 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.

California Special Education Reference
(A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);

(B) a guardian (but not the State if the child is a ward of the State);

(C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare, or

(D) except as used in sections 1415(b)(2) and 1439(a)(5) of this title, an individual 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 term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

(28) Secretary

The term "Secretary" means the Secretary of Education.

(29) Special education

The term "special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability,
Special Education

Overview
Area Superintendent's Learning Communities
CAC Web site
Departments
Parent Services and Resources
Special Education Organizational Chart
Support and Services
SELPA

Special Educational Contact List

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).
BetterSD: Three Steps to Your Best Summer Ever!
06/29/2021

NEWS RELEASE: Summer of Learning and Joy Begins Today
06/18/2021
San Diego Unified School District. The San Diego Foundation, and more than 70 local nonprofits began serving approximately 30,000 students today – a 150% increase over a typical summer – who enrolled in Level Up SD, a Summer of Learning and Joy.

MEDIA ADVISORY: On the First National Juneteenth Holiday, San Diego Unified Celebrates Historic Action in Partnership With the People's Association of Justice Advocates
06/17/2021
One year after the San Diego Unified Board of Education raised the Black Lives Matter flag at the Eugene Bricker Education Center and called on the State of California to recognize Juneteenth, President Joe Biden officially recognized June 19, the day that slavery ended, as a federal holiday.

BetterSD: A Graduation Like No Other - Celebrating the Class of 2021
06/14/2021
Alerts
Monitor the web for interesting new content

Search for: “special education” AND covid

How often: As it happens
Sources: Automatic
Language: English
Region: Any Region
How many: Only the best results
Deliver to: RSS feed

Create Alert

Alert preview

NEWS

St. Tammany school district settles complaint over COVID-related special education learning losses
NOLA.com
At the onset of the pandemic, schools across the country abruptly transitioned to remote learning, scrambling to replicate face-to-face instruction in a...

'No evidence' of discrimination against special education students, federal investigation dismissed
The Indianapolis Star
At the time the investigation was opened, more than two dozen Hoosier families had filed COVID-19 related complaints with IDEO but it remains unclear...

New bill gives children the option to repeat a year due to COVID, some schools have doubts
WFMZ Allentown
Brian Sket, executive director of special education in the Allentown District, says 27 students in the Allentown School District fall into that category. ...
CALIFORNIA DEP’T OF DEVELOPMENTAL SERVICES

HTTP://WWW.DDS.CA.GOV/
The safety of all Californians with intellectual and developmental disabilities is our highest priority. We have experienced changes in almost every part of our lives during the public health emergency. Regional centers and service providers are dedicated to working with consumers and their communities to find different ways to help people and limit the spread of COVID-19.

This page provides COVID-19 links 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. DDS checks this email daily and routes questions to staff for response(s).
Department Directives

- June 29, 2021: Extension of Waivers, Modifications and Directives due to COVID-19
- May 28, 2021: Extension of Waivers, Modifications and Directives due to COVID-19
- May 5, 2021: Extension of Waivers, Modifications and Directives due to COVID-19
- April 27, 2021: Updated Overtime Rate for Participant-Directed Respite Services During the COVID-19 State of Emergency
- April 21, 2021: Visits to Individuals Residing in Licensed Residential Facilities
  - Summary
- April 21, 2021: In-Person Monitoring Visits
  - Summary
- April 2, 2021: Extension of Waivers, Modifications and Directives Due to COVID-19
- March 29, 2021: Provider Attestation for Absence Payments for Nonresidential Services During COVID-19
  - Enclosure: eBilling Provider Certification
- March 29, 2021: Guidance Regarding Reimbursement for Group Supported Employment for Alternative Nonresidential Services
  - Enclosure: Methodology for Determining the Vendor Monthly Unit Rate for Group Supported Employment Providers for Alternative Services
- March 29, 2021: Guidance Regarding Reimbursement for Transportation Services for Alternative Nonresidential Services
  - Enclosure A: Methodology for Determining Reimbursements for Transportation Providers for Alternative Services
  - Enclosure B: Template for Reimbursement for Transportation Services for Alternative Services
- March 29, 2021: Guidance Regarding Rates for New Vendors for Alternative Nonresidential Services
  - Enclosure: Template for Request for a Monthly Rate for a New Vendor
- March 17, 2021: Extension of Waivers, Modifications and Directives Due to COVID-19
- March 9, 2021: Contacting Consumers Ages 16-64 Regarding Eligibility for COVID-19 Vaccination
  - Summary | Listen in English | Watch in ASL
  - Spanish | Escuché en Español
  - Chinese Simplified
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. Regional centers provide assessments, determine eligibility for services, and offer case management services. Regional centers also develop, purchase, and coordinate the services in each person’s Individual Program Plan.
Who are "Consumers?"

DDS serves more than 330,000 individuals, also known as consumers, who have developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy and related conditions. The programs, services and resources here are designed to empower consumers who have developmental disabilities and help guide the families, advocates and professionals who help them live their best lives.
Appeals & Complaints

The state’s developmental services community is best served by an open exchange of information and opinions, and DDS is committed to resolving problems and concerns when they occur. Below are the multiple options consumers, family members, vendors and providers have for filing appeals and complaints.

**Consumers/Families**

**Consumer Rights Complaint Process**
This process is a mechanism to be used when an individual consumer, or any representative acting on behalf of a consumer, believes that any right has been wrongly or unfairly denied by a regional center, developmental center, or a service provider. This process is not to be used by consumers to resolve disputes about eligibility, or the nature, scope, or amount of services.

[View More Details]

**Fair Hearing**
This process is for resolving disputes with a regional or developmental center about eligibility or the nature, scope, or amount of services and supports. This process is not to be used by consumers to resolve issues related to denials of rights.

[View More Details]

**Early Start Complaint Processes (For Children From Birth to Age 3)**
Early Start is for infants and toddlers under the age of three who are at risk of having a developmental disability or have a developmental disability or delay, or their families. These are three separate processes in which the child and their family can file complaints.

[View More Details]

**Vendors/Providers**

**Family Home Agency Appeals**
The Family Home Agency (FHA) appeal process can be used by a FHA applicant or vendor to appeal the following regional center actions: denial or termination of FHA vendorization; movement of a consumer from a family home approved by a vendored FHA; and/or revocation of a family home’s Certificate of Approval.
The appeal process is defined in Title 17 of the California Code of Regulations Section 56096 and 56097. The FHA must appeal in writing to the DDS Director within 30 days after receiving notice from the regional center of its intended action.

[View More Details]

**Vendorization Appeals**
This process can be used to appeal a denial of vendorization application, termination of vendorization, or failure of a regional center to comply with regulations.

[View More Details]

**Residential Facility Appeals**
This is where a vendored community care facility may appeal the actions taken by a regional center regarding service level disapproval, sanctions, findings of substantial inadequacy or immediate danger, or enforcement of any

[View More Details]
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/
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Physical distancing might be difficult for students who have both visual and auditory impairments and require tactile interpreting or for students with disabilities whose educational needs require close contact with school personnel. Must schools consider the student's 504 plan when addressing the student's disability-related needs that might be affected by physical distancing? ........................................ 9
In circumstances in which schools address safe reopening requirements by cohorting or podding (i.e., when a group of students stay together for all classes and courses throughout the day), must schools develop cohorts and pods in a way that supports including students with disabilities with their nondisabled peers, consistent with Section 504 or students' IEPs? ........................................ 10

https://sites.ed.gov/osers/https://www2.ed.gov/about/offices/list/ocr/docs/qa-reopening-202105.pdf
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 a consistent and clear understanding of what is expected of them and their child?
SAN DIEGO COUNTY SUPERIOR COURT OF CALIFORNIA

HTTP://WWW.SDCOURT.CA.GOV
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
- Prescribed Subpoena Forms

Probate Packets

Guardianship of the Person Packet
PKT-012 (Rev. 01/20)

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. 01/21)

Fee Waiver Packet
PKT-010 (Rev. 01/21)

Probate Mediator Packet
PKT-037 (Rev. 12/17)

Judicial Council Probate Forms

Decedents’ Estates

Establishing Birth, Marriage, Death

Guardianships and Conservatorships

Miscellaneous
Few Education Law Treatises on Westlaw and Lexis

None on Westlaw

Only a few on Lexis
Education and Disability Clinic: Resources

This guide will help students locate and use resources for representing clients in education and disability cases.

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: 1633285081
  
  Publication Date: 2018

- **A Guide to Special Education Advocacy: What Parents, Clinicians, and Advocates Need to Know (E-book)**
  
  Call Number: Copley Internet - KF4209 9. 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 .R88 2013
  
  ISBN: 9781452241098
  
  Publication Date: 2013

- **Special Education Law and Litigation Treatise**
  
  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 caselaw, 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!
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?

Liz Parker
USD Legal Research Center
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www.sandiego.edu/law/library