The Utah State Office of Education
Special Education Services Unit

The Center for Technical Assistance for Excellence in Special Education (TAESE)

The Center for Persons with Disabilities at Utah State University

The Annual Utah Institute on Special Education law

2011

August 8–10

Ogden Eccles Conference Center
Ogden, Utah

AGENDA

The Annual

Utah Institute on Special Education Law

August 8–9, 2011 Post Session—August 10, 2011
Ogden Eccles Conference Center, Ogden, Utah

Agenda *August 8*

7:00 – 8:00 **Registration/Continental Breakfast**

8:00 – 8:45 **Welcome/Opening Remarks** *John Copenhaver*
Lisa Arbogast
Glenna Gallo
Larry Shumway

8:45 – 10:30 **Keynote** **Egyptian Theater** *Melinda Jacobs*

The Year in Review: 2011

Learn from the mistakes of others in order to avoid legal problems in your school district! This year, Melinda returns to the Utah Law Conference with her fast-paced review of special education case law sure to get you thinking and talking about legal pitfalls and trends in the field. This year's topics include money damages, restraint/isolation of special education students, behavior/discipline, LRE, Section 504, service animals, and more!

10:30 – 10:45 **Break**

10:45–11:45 **Breakout Sessions**

A. Special Education Eligibility *Shannan Arbabi will replace Paula Maddox Roalson*

Grand Ballroom A, B, C

To be or not to be—that is the question! In order to qualify for special education under the IDEA, a student's disability must adversely affect educational performance and result in a need for specially designed instruction. Special education attorney Paula Maddox Roalson will provide an overview of the eligibility process and walk through practical implementation issues, including a discussion of where RTI "fits" in eligibility decisions. The session will include a review of recent court cases and leave you with a better understanding of key issues to consider in the eligibility decision-making process.

B. Technology Traps in an Electronic Age *Kathy Mehfoud*

Grand Ballroom D, E

Have you ever wondered if e-mail is an educational record? If so, attend this session that provides essential information about maintaining, accessing and safeguarding electronic

records consistent with FERPA. Also covered will be the top 10 mistakes regarding electronic information.

C. Legal Benefits of Utilizing Standards Based IEPS *Jose Martin*

Ballrooms 1, 2, 3

11:45–12:45 Lunch

12:45–1:45 Breakout Sessions Continued

D. Keeping Current with Autism Cases *Shannan Arbabi will replace Paula Maddox Roalson*

Grand Ballroom A, B, C

Litigation involving special education programs provided to students with autism continues to be a hot topic in 2011. In this session, experienced special education attorney Paula Maddox Roalson will provide an update on this heavily litigated topic, reviewing recent cases and providing practice pointers to help guide you in the development of programs for students in your school districts.

E. RTI and Legal Implications *Melinda Jacobs*

Grand Ballroom D, E

With the reauthorization of NCLB and IDEA looming on the horizon, it's imperative that special education administrators, teachers, and providers understand the legal implications of Response to Intervention (RTI) as it applies to child find, IEP development, and educational programming for students with disabilities. Melinda will provide participants with a comprehensive overview of the legal requirements for RTI and a look at how the courts view disputes between parents and school districts involving the implementation of this mandate.

F. Issues Pertaining to Age of Majority *Lenore Knudtson*

Meeting Rooms 101, 102, 103

The end of a student's special education career needs to be carefully planned, including transition issues, summary of performance, and prior written notice. We will explore the requirements.

G. Private School Placements for Children with Disabilities *Thomas Shorter*

Executive Room 100

This session will address the private school placement standards for children with disabilities under IDEA.

H. Cyber School— Online/Virtual Schools and Special Education *Jose Martin*

Ballroom 1, 2, 3

1:45–1:55 Break

1:55–2:55 Breakout Sessions Continued

I. Post High Transition Case law *Shannan Arbabi will replace Paula Maddox Roalson*

Grand Ballroom A, B, C

Must a school district guarantee that a student will earn her cosmetology license? Guarantee a student's college admittance? What do true measureable post-secondary goals look like? Visit all the key IDEA requirements regarding transition services and learn important lessons from recent cases as veteran special education attorney Paula Maddox Roalson tackles this ever-important topic.

J. Service Animals in Your School: Are You Prepared? *Melinda Jacobs*

Grand Ballroom D, E

On March 15, 2011, new federal regulations went into effect governing the rights of students with disabilities to be accompanied at school by their service animals. Is your school district prepared to handle requests for dogs and miniature horses in the schools? Do you have policies and procedures in place, as required by the new law? In this session, Melinda will explain the new regulations, provide guidance on the implementation of the new law in public schools, and answer your questions about what services these animals are intended to provide and how your school district can be equipped to respond effectively to this new legal challenge.

K. Delivering IEPs that Stand Up to the Law and Serve Students Better *Lenore Knudtson*

Meeting Rooms 101, 102, 103

The art of IEP storytelling: The most thorough and defensible IEPs.

L. Health and Medical Services for Children with Disabilities *Thomas Shorter*

Executive Room 100

This session will address the legal standards of medical services for children with disabilities and provides a review of recent case law on the issue.

M. Legal Requirements and Recommended Practices in the Special Education Evaluation of English Language Learners: Is it Disability or Difference?

(Continued in Session S.) *Lillian Duran*

Ballrooms 1, 2, 3

The population of students who speak a language other than English at home is dramatically increasing in Utah as well as across the U.S. There are many questions in the field regarding evidence-based practices in conducting screening and evaluations with this population. This presentation is designed to answer practical questions about conducting evaluations and determining eligibility for Special Education services. Key content will be provided to help assessment teams more effectively and accurately distinguish second language acquisition issues from disability. During this workshop, research will be presented to provide a well-rounded picture of bilingual development and the relationship of language proficiency to assessment results.

2:55–3:05 **Break**

3:05–4:45 **Breakout Sessions**

N. Legislative Update and Panel Discussion: How to be an Effective Participant in the Legislative Process *John Copenhaver, Carol Lear, Kris Fawson, Jan Ferre,* and *Jean Hill*

Grand Ballroom D, E

The Panel will discuss various aspects of the State and federal legislative process, including the reauthorization of IDEA. There will be a discussion on how individuals can get involved and make a positive difference in the legislative process.

O. IDEA and Utah Special Education Rules: The Basics *Glenna Gallo*

Meeting Rooms 201, 202, 203

This is a beginning level session that will provide participants with the opportunity to review, discuss, and ask question about basic IDEA principles.

P. Child Find: What Are You Looking for When Suspecting a Written Language Disability? *Julie Barlow and Allyson White*

Executive Room 100

Q. Medical Needs: Delegable Duties and Health Care Plans *Lisa Arbogast, Linda Abel, and Claudia Streuper*

Grand Ballroom A, B, C

R. Legal Requirements When Considering Braille and Other Assistive Technology *Lenore Knudtson*

Meeting Rooms 101, 102, 103

Braille and assistive technology needs must be considered when drafting IEPs. We will address Braille and assistive technology from a practical and legal standpoint.

S. Legal Requirements and Recommended Practices in the Special Education Evaluation of English Language Learners: Is it Disability or Difference?
(Continued from Session M.) *Lillian Duran*

Ballrooms 1, 2, 3

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End of Day One

The Annual

Utah Institute on Special Education Law

August 8–9, 2011 Post Session—August 10, 2011
Ogden Eccles Conference Center, Ogden, Utah

Agenda August 9

7:00 – 8:00 **Registration**

8:00–8:15 **Welcome/Opening Remarks**

8:15 – 10:00 **Keynote** **Egyptian Theater** *Art Cernosia*

Top Legal Issues in Providing Special Education and Related Services

This session will provide participants with an overview and practical tips on the major issues related to the provision of special education services to students with disabilities. Topics to be addressed include evaluations, eligibility determinations, IEP development and implementation, placement, and behavior/discipline.

10:00–10:15 **Break**

10:15–11:30 **Breakout Sessions**

T. Preventing the Predetermination Claim: The Compliant Path to IEP Planning

Jim Walsh

Grand Ballroom A, B, C

There is a fine line between preparation and predetermination during the IEP planning process that may lead to legal issues, if caught on the wrong side. This session will provide guidelines for proper IEP planning by addressing factors such as language use, behavior, and implementation by the district and parents. The focus will be on the law and interpretations by the courts with plenty of time for Q & A.

U. FAQ: Discipline & Behavior Management Under IDEA and Section 504 *Dave Richards*

Grand Ballroom D, E

Discipline of special education and Section 504 students is, by law, different from discipline of nondisabled students. This session will not only explain why the difference exists, but will also provide practical strategies on improving behavior, understanding the manifestation determination requirements, and figuring out the 10-days rules.

V. IDEA Early Childhood Transition Requirements – Updates, Implications and Resources

Kathy Whaley

Meeting Rooms 1, 2, 3

The OSEP FAQ of December 2009 responded to questions raised by the field and provided clarification on a variety of the IDEA early childhood transition requirements. The FAQ and resulting technical assistance resources developed by the RRCP Priority Team on transition also linked those requirements to the SPP/APR transition indicator requirements. This presentation will provide an overview to the IDEA transition requirements, highlight more recent OSEP policy clarifications, align requirements to APR reporting, and share key resources for informing practices.

W. Restraint and Seclusion *Shannan Arbabi will replace Paula Maddox Roalson*

Ballroom 1, 2, 3

What constitutes restraint? Seclusion? What are the requirements surrounding the use of these techniques? Special education attorney Paula Maddox Roalson will discuss current federal policy and review the latest court cases demonstrating physical and legal dangers surrounding the inappropriate use of these controversial techniques. Learn the do's and don'ts in this area, including staff training essentials, behavior intervention alternatives, and other best practices.

11:30–12:30 **Lunch**

12:30–1:30 **Breakout Sessions**

X. LRE for Preschool Children with Disabilities : Requirements and Updates

Kathy Whaley

Meeting Rooms 1, 2, 3

This session will provide an overview of the IDEA LRE requirements as a context for providing services to preschool children with disabilities. Recent federal updates and resources for the required Child Count data collection that defines educational environments will be shared. Frameworks for creating, examining and supporting early childhood inclusive practices will be provided.

Y. Who is Being Unreasonable? Cases Where the School Lost; Effective Collaboration: How to Work Effectively as a Team *Jim Walsh*

Grand Ballroom A, B, C

Communication with parents when planning an IEP meeting can be an arduous and stressful task for District representatives. This session will provide guidance in how to communicate effectively with parents before, during, and after the IEP meeting to produce optimal results. There will be an emphasis on practical applications with plenty of time for Q & A.

Z. Frequently Asked Questions on 1:1 Aides *Dave Richards*

Grand Ballroom D, E

As IEP teams face increasing requests from parents for one-to-one aides, this session analyzes rules and cases covering key issues in this fast emerging area of special education law, including determining when an aide is needed for FAPE and disputes with parents over the choice of an appropriate provider. Plus, we'll discuss what your district can do to prevent the common problems arising from the provision of an aide, such as separation of the student from the teacher and classmates, decreased independence, complications created by parent-aide relationships, and more.

AA. Documentation—How Much? *Art Cernosia*

Ballroom 1, 2, 3

The last reauthorization of the federal special education law, the IDEA, included a goal to reduce unnecessary paperwork. This session will address what documentation is required by the IDEA and best practice recommendations for documenting decisions made. Areas to be covered include eligibility decisions, IEP services and placement, reporting progress under IEP goals and disciplinary actions.

1:30–1:40 **Break**

1:40–2:40 **Breakout Sessions**

BB. Section 504 Eligibility after the ADA Amendments Act *Dave Richards*

Grand Ballroom D, E

The ADAAA made five major changes to Section 504 eligibility in the K–12 schools. This fast-paced session will look at those major changes, including revisions to the rules governing major life activities, a new mitigating measures rule, Congress' rejection of the EEOC definition of "substantial limitation," and a new rule on impairments that are episodic or in remission. We'll also look at some "talking points" for discussion with your school attorney on how to respond to the ADAAA through changes to your school's Section 504 process and forms.

CC. Mastering the Critical Role of LEA Rep *Jim Walsh*

Grand Ballroom A, B, C

School district representatives at IEP meetings bear the burden of satisfying multiple parties while maintaining compliance with district policies. Often times, LEAs find themselves juggling between being peacemaker and authoritarian. The representative must be qualified, knowledgeable, resourceful, and authorized to address and lead the district in an IEP meeting. This session will explore the legal standards that govern the role of the district representative, and provide practical strategies to enhance the skills of those who serve in this important role.

DD. A Spotlight on Standards-based IEPs *Janet Gibbs*
Connie Nink

Ballroom 1, 2, 3

Standards-Based IEPs are not a new concept, so what is new and how does that affect legal compliance requirements? Standards Based IEPs are best practice and, therefore, not legally required by IDEA or Utah Special Education Rules. However, effectively utilizing best practice strategies, like standards-based IEPs, may make compliance with legal requirements and defending legal challenges more successful and less intimidating.

EE. Medicaid & School-based Skills Development *Michelle Christensen*
Emma Chacon

Meeting Rooms 1, 2, 3

2:40–2:50 **Break**

2:50–4:30 **Closing Plenary Session**
FF. Panel Discussion of Random Small Topics *Jim Walsh*
Shannan Arbabi
Art Cernosia
Kathy Whaley
Dave Richards

4:30 **Credit Application**

End of Day Two

Sponsored by the Utah State Office of Education, Special Education Unit

August 10 *Post Session Agenda*

7:30–8:00 **Registration/Breakfast (Drinks Only)**

8:00–8:15 **Welcome/Opening Remarks**

8:30–10:00 **Engaging Challenging Conversations** *Greg Abell*

Ballroom 1, 2, 3

Children are best served when parents, educators, and agencies work together to provide coordinated care. Parents and educators report that working together with team members can be satisfying, effective and ultimately good for their child/student. They also tell us it can be very challenging. There is potential for differing opinions, tension, disagreement and conflict. This seminar will help increase both your self-awareness and your confidence in conflict situations. You will learn about the ingredients of conflict, mastering emotions and behaviors, and staying curious about what motivates others as you explore the skills needed for engaging challenging conversations. Specifically you will:

- *Identify the elements of difficult conversations and how they impact you and those with whom you partner.*
- *Recognize your role in conflict situations.*
- *Understand conflict styles and how to operate in stressful situations.*
- *Learn a framework for approaching the difficult conversations in your life.*

10:00–10:15 **Break**

10:15–12:00 **Engaging Challenging Conversations** *Greg Abell*

12:00–1:30 **Lunch on Your Own**

1:30–3:30 **Engaging Challenging Conversations** *Greg Abell*

3:30 **Conference Adjourns**