PRESENTED AT

32nd Annual School Law Conference

February 23-24, 2017 Austin, TX

There Is No Escaping Special Education: Issues for the School District Attorney

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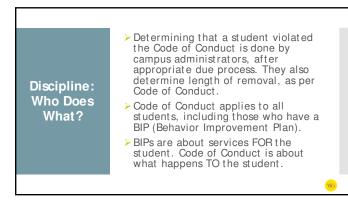
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Here's Where Houston Chronicle story and the fallout Pole of the attorney Due process hearings



Is it a Change of Placement?

- If the removal is a "change of placement" an ARDC meeting is needed to make "manifestation determination."
 This is so even if the removal is "mandatory." No such thing as "mandatory" in special education.
 Manifestation is designed to prevent discrimination. Was the behavior
- Manifestation is designed to prevent discrimination. Was the behavior directly caused by the disability? Or by the failure of the district to implement the IEP?

Going to DAEP? If the student is going to the DAEP or JJAEP, ARDC must make sure student will continue to receive appropriate services. This may require modifications, tweaks, supplements. General rule: fit the DAEP to the kid;

not the kid to the DAEP. If you don't have a JJAEP, you still have to figure out a way to serve the student. No expulsion to the street ever.

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When is it a Change of Placement? > It's a COP if the removal is for more than 10 consecutive days. > Or if there is a "pattern" of removals. > Pattern: removals are for more than 10 cumulative days; for similar behaviors; and with some degree of proximity. > District officials decide if there is a "pattern."

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First appeared as part of the conference materials for the 32^{nd} Annual School Law Conference session "There Is No Escaping Special Education Issues for the School District Attorney"