

504, THE ADA, AND PUBLIC SCHOOL STUDENTS: THE LATEST LESSONS FOR GENERAL AND SPECIAL EDUCATORS

Many educators struggle with the legal requirements for students with disabilities, in part, due to insufficient preservice preparation and lack of differentiation between “lore” and law when “learning on the job.”

The majority of inservice legal professional development is on the requirements of the IDEA, which leaves Section 504 as a misunderstood and often misapplied “consolation prize.” As a result, short-term concerns with high-stakes tests and other academic hurdles expend limited local resources under this “unfunded mandate” for band-aid forms and accommodations that, in the long term, compound rather than resolve the interest in educational success.

This full-day program will provide the latest legal lessons for both general and special educators under Section 504 and the ADA for K-12 students. The agenda provides successive half-day segments on basic and more advanced issues.

Because of frequent confusions between 504 and IDEA requirements and legal issues, this professional development will show the latest corresponding IDEA developments as the baseline for systematic, updated differentiation.

* See reverse side for the morning and afternoon agendas.

DATE, TIME, LOCATION:

Thursday, April 26, 2018
8:30 am - 3:30 pm
Radisson Hotel, Cromwell

FEE:

\$100 per person

PRESENTER:

Perry Zirkel, Ph.D., J.D., LL.M
University Professor Emeritus of Education and Law
Lehigh University, PA

AUDIENCE:

General and Special Education Teachers and Administrators, and other staff members

REGISTRATION DEADLINE:

April 20, 2018

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MORNING SESSION

The morning session focuses on the basic building blocks of an effective school program in relation to Section 504 and its sister statute, the ADA. The issues that will be addressed include:

- What are the key differences from the IDEA?
- What is the required grievance procedure?
- What are the latest eligibility standards?
- What are the required elements of the procedural safeguards notice?
- What are the practical recommendations for 504 plans?
- What are the current trends for enforcement?

The morning session will also include illustrative forms, recommended procedures, and ample opportunity for Q-and-A.

AFTERNOON SESSION

The afternoon session focuses on the latest legal developments for K-12 students under Section 504/ADA, including (1) service animals, (2) CART, (3) bullying, (4) concussions, and (5) the DOJ's September 2016 eligibility standards. This session will also address other current complicated issues not only for students entitled to 504 plans (i.e., "504- only") but also for those entitled instead to IDEA IEPs (i.e., "double-covered"). Examples for each of these contexts, which span general and special education, include:

In the "504-Only" Context:

- Does Child Find apply under Section 504?
- What is the current operational meaning of "substantial" limitation?
- Are some students only technically eligible under Section 504?
- Are students entitled to special education as part of a 504 plan?
- How do we say "No" to the parents of the student who is not eligible so as to be both legally and educationally effective?

Extending to the "Double-Covered" Context:

- What are the current differences between OCR and the courts in applying Section 504/ADA?
- Does compliance with IDEA requirements automatically fulfill the corresponding requirements under Section 504/ADA?
- Are parents required to "exhaust" the step of a due process hearing under (a) the IDEA or (b) Section 504 before filing suit in court?
- What is the prevailing standard for district liability under Section 504/ADA?
- Are individual school employees, such as teachers and Section 504 coordinators, subject to liability under Section 504/ADA?

ABOUT THE PRESENTER

Perry A. Zirkel is a nationally recognized expert on law and special education. He is the University Professor Emeritus of Education and Law at Lehigh University, where he formerly was dean of the College of Education. He later became the Iacocca Chair in Education for its five-year term, and continues to co-direct the Lehigh Special Education Law Symposium.

Dr. Zirkel has been published more than 1,500 times on various aspects of school law, with an emphasis on legal issues in special education. He writes a regular column for NAESP's Principal magazine, published by the National Association of Elementary School Principals, and for the Communiqué newsletter from the National Association of School Psychologists. He has previously written columns for Phi Delta Kappan and Teaching Exceptional Children.

Past president of the Education Law Association and co-chair of the Pennsylvania special education appeals panel from 1990 to 2007, Dr. Zirkel is the author of the Council for Exceptional Children (CEC) monograph *The Legal Meaning of Specific Learning Disability*; the more recently published books *A Digest of Supreme Court Decisions Affecting Education and Student Teaching and the Law*; and — of particular interest for this professional development workshop — the two-volume reference *Section 504, the ADA and the Schools*, now in its fourth edition.

In 2012, Dr. Zirkel received the Research into Practice Award from the American Educational Research Association (AERA) and the Excellence in Research Award from AERA's Division A (Administration, Organization & Leadership).

In 2013, he received the University Council for Educational Administration's Edwin Bridges award for significant contributions to the preparation and development of school leaders.

In 2016, he received the Education Law Association's Steven S. Goldberg Award for Distinguished Scholarship in Education Law, and in 2017 he received the CEC's Special Education Research Award.

Dr. Zirkel has a Ph.D. in Educational Administration and a J.D. from the University of Connecticut, and a Master of Law degree from Yale University.