

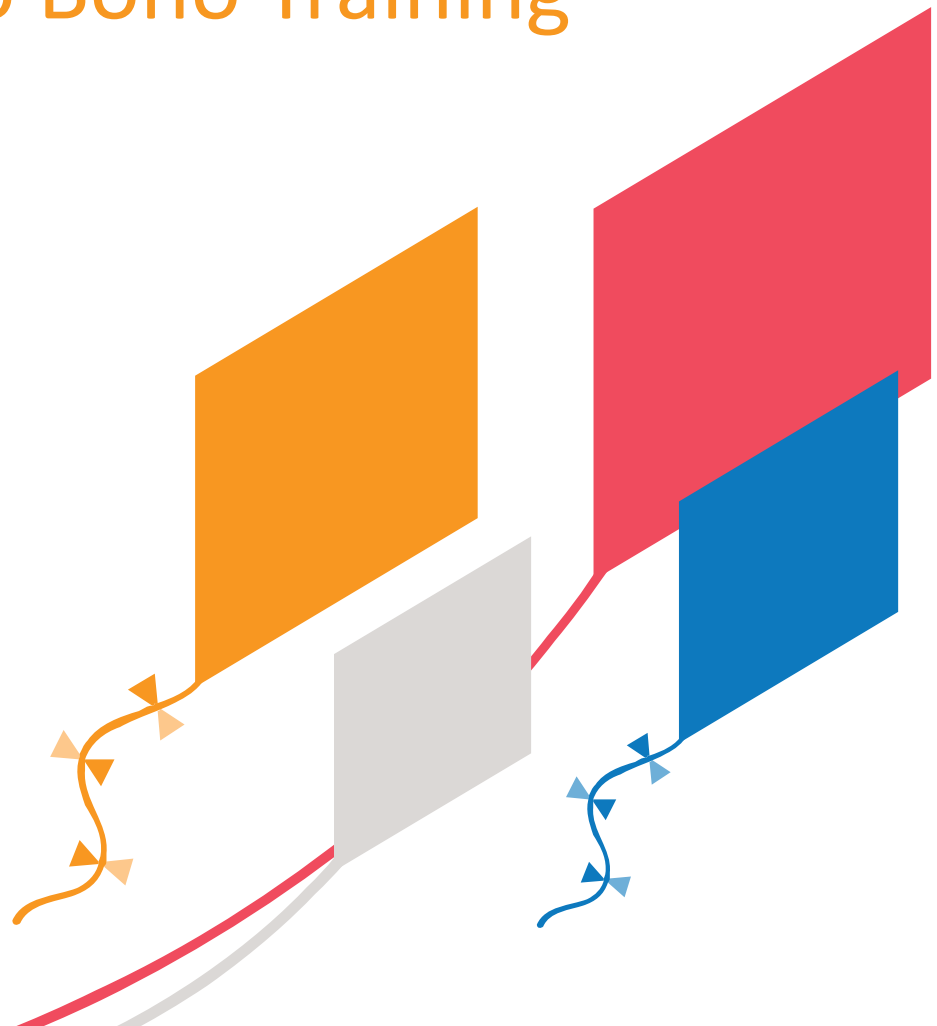
Children's Law Center

Special Education Pro Bono Training Part Three

Jen Masi, Pro Bono Director



July 24, 2020



Quick Roadmap



CLC Pro Bono Program



Virtual Training Series



Today's Training



On Demand Resources

About Children's Law Center



WE REACH
1 out of 9 children
IN DC'S POOREST
NEIGHBORHOODS EACH YEAR

WE HAVE LAWYERS ONSITE AT
6 health clinics
ACROSS DC TO HELP FIND
AND FIX BARRIERS TO HEALTH



WE HAVE SERVED
**30,000 children
and families**
SINCE 1996



WE PARTNER WITH MORE THAN
500 pro bono lawyers



WE PARTNER WITH DISTRICT
AGENCIES, THE DC COUNCIL
AND COMMUNITY LEADERS TO
FIND OR IMPLEMENT
city-wide solutions
THAT BENEFIT ALL DC KIDS

Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone.

CLC Pro Bono Cases

Family

- ◆ Caregiver Custody
- ◆ Custody Guardian *ad Litem* (GAL)

Health

- ◆ Housing Conditions

Education

- ◆ **Special Education**

Supporting Pro Bono Attorneys



Screening

CLC thoroughly screens clients when assessing cases for pro bono placement to ensure the case is a good fit for a pro bono attorney.



Training and Resources

CLC offers in-person and online training and an abundance of resources on our website, including model pleadings, training materials and videos.



Mentoring

Experienced CLC attorneys mentor our pro bono lawyers. Mentors provide initial case recommendations, discuss strategy and legal issues, and remain available throughout the duration of the case.

Virtual Training Series

July 2020				
Monday	Tuesday	Wednesday	Thursday	Friday
6	7 2:00 p.m. - 3:00 p.m. Caregiver Custody Part One: Custody Law and Practice	8 9:30 a.m. - 10:30 a.m. Caregiver Custody Part Two: Pretrial and Trial Advocacy	9	10
13 12:00 p.m. - 1:00 p.m. Custody GAL - Part One: The Role of the GAL	14	15 2:00 p.m. - 3:00 p.m. Custody GAL - Part Two: Custody Law and Procedure	16	17 10:00 a.m. - 11:00 a.m. Custody GAL - Part Three: Communicating with Children and Teens; Overview of Domestic Violence, Substance Abuse, and Child Abuse and Neglect
20 10:00 a.m. - 11:00 a.m. Special Education - Part One: What is Special Education?	21	22 3:00 p.m. - 4:00 p.m. Special Education - Part Two: Handling a Special Education Case	23 3:30 p.m. - 4:30 p.m. Cultural Humility Training	24 10:00 a.m. - 11:00 a.m. Special Education - Part Three: The Due Process Hearing
27	28 12:00 p.m. - 1:30 p.m. Housing Conditions Training	29	30	31

Today's Training

Content

- The Due Process Hearing

Remote Representation

- These cases can be handled remotely.

Questions

- Zoom Chat
- Email Jen Masi

On Demand Resources



**Training
Presentations**



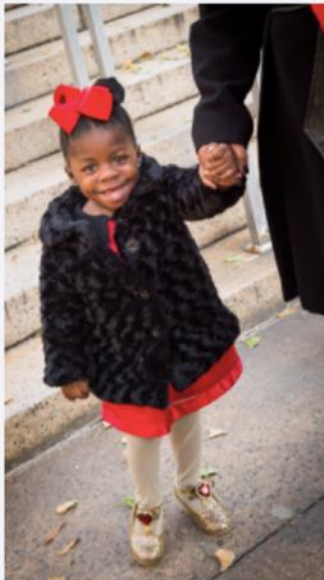
**Training
Videos**



**Training
Manuals**

On Demand Resources

Pro Bono



Though Children's Law Center is the largest non-profit legal provider in DC, many more children come to us than we can help. We are honored to partner with more than 500 pro bono attorneys every year from the area's top law firms, in-house legal departments and government agencies to help fill the gap.

If you are a pro bono attorney, we hope you will partner with us. We provide world class mentorship, training and written materials to help attorneys feel more comfortable navigating new areas of law. In addition to gaining valuable trial skills, we promise that you will be deeply touched by your experience – because our cases are life changing.

Want to learn more about becoming a pro bono lawyer for Children's Law Center? [Check out our FAQs](#) and sign up to [join our mailing list](#)! Closing a case? [Click here](#).

For information on how to partner with us, please contact Jen at JMasi@ChildrensLawCenter.org.

Resources >

Fact Sheets

Pleadings

Training Manuals

Training Presentations & Videos

Other



Meet Our Mentors



Pro Bono Partners

Interested in a case?

◆ **Email me!**

jmasi@childrenslawcenter.org



Training Survey Request

- ◆ Please complete our electronic survey.
 - ◆ What worked?
 - ◆ Where can we improve?
- ◆ Thank you for your feedback!



The Due Process Hearing

Overview of the Process, Practice Tips, and Litigation Skills

Jani Tillery, Supervising Attorney



July 24, 2020



Due Process Hearings

- **Special education cases are litigated administratively**
 - Trial = due process hearing
- Independent Hearing Officers are contracted to hear petitioner claims
 - In D.C., hearing officers contract with, but do not work for, OSSE
 - In D.C., hearing officers directly control other aspects of case management

What can you file about?

- Any denial of FAPE against the student by the LEA or SEA you are naming in your complaint
- Alleged violations must have occurred not more than 2 years before the date the filing party knew or should have known about the alleged action forming the basis for the complaint
 - There are statutory and case law exceptions to the statute of limitations

What Remedies are Available?

- Any remedy that can address the denial of FAPE is possible.
- Prospective remedies include:
 - Placement
 - Increased services on the IEP
 - Addition of services/accommodations on the IEP
- Retrospective remedy is called compensatory education

Compensatory Education

- Compensatory Education (Comp Ed) is the term for the remedy for past denial(s) of FAPE
- In DC, compensatory education must place the child where s/he would have been but for the LEA's failure to provide FAPE
- Key case: *Reid v. D.C.*, 401 F.3d 516 (2005)

Compensatory Education

- Comp Ed can include anything the child needs, including:
 - Tutoring
 - Speech and language/physical therapy/occupational therapy services
 - Mental health services
 - Transition services
 - Mentoring
 - Technology and software

While you handle your case...

- Bear in mind that you might have to file a Due Process Complaint so remember –
 - Hearsay is admissible!
 - ▶ Your emails to the school are admissible
 - Once you do file, the complaint must be resolved in **75** days
 - You will have to submit all the documents you will use at the hearing **5** business days before the hearing

The background is a solid blue color with several faint, semi-transparent geometric shapes and lines. There are curved lines, a square-like shape in the upper left, and a larger, irregular shape on the right side. The overall aesthetic is modern and minimalist.

COVID-19 Considerations

Special Education Pro Bono Cases during COVID-19

Tips for Working with Clients during COVID-19

- You may need to meet with your client and the school virtually
 - ▶ FaceTime, Zoom, etc.
- If your client has questions about resources available during pandemic, you can provide CLC's COVID-19 website:
 - ▶ <https://www.childrenslawcenter.org/covid19resources>
- Clients may be less responsive to you than usual due to increased demands and stressors

Special Education Pro Bono Cases during COVID-19

- **Is it safe for your client's child to return to school?**
 - **Medical diagnoses that make it unsafe for child to return?**
 - ▶ **Yes:** Ask client if they want you to advocate for Home and Hospital Instruction Program (HHIP)
 - **Does child have anxiety or other diagnoses that will make it difficult for child to return to in-person instruction?**
 - ▶ **Yes:** Ask client if you can talk to child's doctor or mental health provider regarding recommendations for easing transition back to school

Special Education Pro Bono Cases during COVID-19

- **Evaluations**

- Does your client want the evaluation to take place in-person or virtually?
 - ▶ Discuss pros/cons of in-person vs. virtual evaluations
- At IEP meeting to discuss evaluations, consider asking for Prior Written Notice documenting the LEA's plan for evaluations

Special Education Pro Bono Cases during COVID-19

- **Specialized Instruction and Related Services**
 - **Does your client's child have access to a device to access virtual instruction?**
 - ▶ **No:** Does your client want you to contact the LEA to request one?
 - **What does your client's child's school schedule look like?**
 - **Is the child receiving all the services on their IEP?**
 - ▶ **No:** Does your client want you to advocate for increased services? Does your client want to set up a meeting to discuss the child's distance learning plan?

**Questions?
Interested in a case?**

**Email Jen Masi
jmasi@childrenslawcenter.org**



Thank you!



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