

**PACE UNIVERSITY
SCHOOL OF LAW**

Disability Rights Clinic—Special Education, Sec. 300
Special Education Syllabus

Professor Doernberg
Fall Term 2009

The fact that everyone will be participating in each case makes file maintenance absolutely critical. You will each receive copies of the clinic handbook; please pay especially careful attention to the materials on file organization and handling. We will use CaseMap, a computerized case organizing system,

Remember at all times that our focus is on getting the best result we can for the children whom you will represent. Although the parents are nominally the clients, the children are the real parties in interest to a much greater degree. What we are able to accomplish or what we fail to accomplish will make an enormous difference in these children's lives. If there is anything more important in a child's first eighteen years than survival and education, I don't know what it is. Particularly when you are representing children in the early grades, when intervention is most likely to be effective, the responsibility is huge. I hope you never lose sight of that. In all of our cases, we will be evaluating a wide range of material and trying to figure out what the ideal solution for the children is. Then we will have to figure out what solution we can actually get, because we live in the real world, not the ideal world. There is a great difference between the best possible solution and the best solution possible.

Much of your "formal reading" (outside of cases and statutes you will need to consult for your cases, is in STEFAN H. KRIEGER & RICHARD K. NEUMANN, JR., *ESSENTIAL LAWYERING SKILLS* (3d ed. 2007) ("KN"). You will also need to read selected parts of LAWRENCE M. SIEGEL, *THE COMPLETE IEP GUIDE* (5th ed. 2007) ("IEP Guide"), which is in the clinic library. Finally, we will consult from time to time THOMAS F. GUERNSEY & KATHE KLARE, *SPECIAL EDUCATION LAW* (3d ed. 2008) ("GK"), which is on reserve in the Law Library.

You must become thoroughly familiar with the Individuals with Disabilities Education Act ("IDEA") sections that will directly affect our work. IDEA is codified at 20 U.S.C. §§ 1400 *et seq.* I particularly commend to your attention §§ 1401, 1412, 1414 and 1415. Corresponding federal regulations appear in 34 C.F.R. §§ 300.1-300.589. The New York Education Law and the regulations in 8 N.Y.C.R.R. Part 200 will also affect our work. They are on reserve in the law library and are in the Clinic Library..

Useful Additional Sources

MARK C. WEBER, *SPECIAL EDUCATION LAW AND LITIGATION TREATISE* (3d ed. 2008) (Clinic Library)

ROGER PIERANGELO, *THE SPECIAL EDUCATOR'S BOOK OF LISTS* (2d ed. 2003) (Clinic Library)

New York State Education Department (<http://www.nysed.gov/>)

Office of State Review (<http://www.sro.nysed.gov/>)

Commissioners' Decisions (<http://www.counsel.nysed.gov/Decisions/home.html>)

New York State Education Department Office of Counsel (<http://www.counsel.nysed.gov/>)

New York State Education Department—Vocational and Educational Services for Individuals with Disabilities ("VESID") (<http://www.vesid.nysed.gov/specialed/publications/>)

New York State Education Department (VESID) Parents' Guide to Special Education
(<http://www.vesid.nysed.gov/specialed/publications/policy/parentguide.htm#DuePro>)

LD Online (<http://www.ldonline.org/index.php>)

Tuesday, October 6:

Cognizable Disabilities

Psychological Evaluation, distributed by e-mail

Springer v. Fairfax County School Board, 134 F.3d 659 (4th Cir. 1998)

Johnson v. Metro Davidson County School System, 108 F. Supp. 2d 906 (M.D. Tenn. 2000)

Guest: Cathy Corbin, School Psychologist, Mt. Pleasant School District

Tuesday, October 13:

Case Planning

KN 131-97

Tuesday, October 20:

Counseling

KN 221-29

Tuesday, October 27:

Counseling

KN 231-79

Eligibility and Evaluation

GK 57-101

Tuesday, November 3:

Benefit from Special Education

J.D. v. Pawlet School District, 224 F.3d 60 (2d Cir. 2000)

Mr. I v. Maine School Administrative District No. 55, 480 F.3d 1 (1st Cir. 2007)

Tuesday, November 10:

Fact Investigation

KN 109-27, 200-17

Thursday, November 19:

Negotiation

KN 283-370