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25th Annual

LRP's Special Education

# School Attorneys

C O N F E R E N C E

Jan. 14 - 16, 2019

Renaissance Phoenix Downtown  
Phoenix, Arizona

**“School Attorneys is the most efficient way for special education attorneys to meet their CLE requirements.”**

*Susan Graham, Attorney, Walsh Gallegos Treviño Russo & Kyle PC, Austin, Texas*

**The sooner you register  
the more you save!**

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inside**



[www.SchoolAttorneysConf.com](http://www.SchoolAttorneysConf.com)

Produced by



# 25<sup>th</sup> Anniversary!

## The best opportunity for School Attorneys to get comprehensive coverage of timely special education topics that matter most to school districts.

Now in its 25th year, LRP's **Special Education School Attorneys Conference** has been providing attorneys with analysis of the major issues and cases impacting school districts nationwide. It's crucial to remain up to date on developments that can affect the districts you represent. Whether this would be your first **School Attorneys Conference** or twenty-fifth, make sure you're here to get insights from the experts on ways to address compliance concerns.

"**School Attorneys** is a good refresher for those of us who have been doing this a long time, and a necessary learning experience for those who are new to this field."

*Regina Tate, Partner  
Murphy Hesse Toomey & Lehane,  
Quincy, Mass.*



Plus, this is the prime opportunity for you to earn an entire year's worth of CLE credits in only 3 days! Get the strategies and case updates you need to know, plus the credits you need to have.

**Earn all the CLE credits you need for the year in just 3 days!**

## Get the real take on what's happening now in special education law and what's on the horizon!



**Major Trending Issues:** Special education is not immune to the #MeToo movement. Make sure your clients know how to recognize and respond to behavioral red flags.



**Astute Legal Insights:** From school violence to discipline policies, get the facts to share with your clients so they know the compliant ways to address specific challenges.



**Fundamental Updates:** Get back to the basics and make sure you are up to speed with fundamental special education law scenarios such as your role in managing school policies and prior written notice triggers.

# Conference Agenda

## Monday, January 14

7 - 8:30 a.m.	Networking Breakfast
8:30 - 11:30 a.m.	Pre-Conference Symposium I — <b>Litigating Due Process Cases: Using Trial Skills to Effectively Present Your Case</b>
11:30 a.m. - 1 p.m.	Lunch on your own
1 - 4 p.m.	Pre-Conference Symposium II — <b>Be Your Clients' "FERPA Sherpa": Carrying FERPA Compliance Into the 21st Century</b>

## Tuesday, January 15

7 - 8:30 a.m.	Networking Breakfast
8 - 10 a.m.	<b>The Year in Review 2018 (and a Look Ahead to 2019)</b>
10 - 10:15 a.m.	Refreshment Break
10:15 - 11:15 a.m.	Ethics I — <b>Ethical Obligations During Settlement and Dispute Resolution</b>
11:15 a.m. - 12:30 p.m.	<b>A Kinder, Gentler OCR? Tools and Strategies for Responding to Complaints Under OCR's Case Processing Manual</b>
12:30 - 1:45 p.m.	Lunch on your own
1:45 - 3 p.m.	<b>There's a New Standard of FAPE — Fact or Fiction?</b>
3 - 3:15 p.m.	Refreshment Break
3:15 - 4:30 p.m.	<b>Battle of the Experts: Effectively Using and Challenging Experts in Special Education Litigation</b>

## Wednesday, January 16

7 - 8:30 a.m.	Networking Breakfast
8 - 9:15 a.m.	<b>School Violence and Special Education</b>
9:15 - 9:30 a.m.	Refreshment Break
9:30 - 10:45 a.m.	<b>The Attorney's Role in Managing School Policy on Discipline</b>
10:45 - 11 a.m.	Refreshment Break
11 a.m. - 12:15 p.m.	<b>Prior Written Notice: Please Write It Now!</b>
12:15 - 1:30 p.m.	Lunch on your own
1:30 - 2:30 p.m.	Ethics II — <b>Always on Call — The School Attorney's Guide to Texts, Emails, and Late-Night Phone Calls</b>
2:30 - 3:45 p.m.	<b>Title IX in the #MeToo Era</b>

### Litigating Due Process Cases: Using Trial Skills to Effectively Present Your Case

**Ronald S. Stadler**, *Mallery Zimmerman SC, Milwaukee, Wis.*

8:30 - 11:30 a.m. ★ Pre-Conference Symposium I



An attorney with experience defending school districts before administrative tribunals, courts, juries, and arbitrators will share tried-and-true strategies and techniques for making a case. Describing litigation tactics, skills, and perspectives that apply to due process hearings, Ron Stadler will walk you through step-by-step and skill-by-skill how to be persuasive both before and during the hearing. From answering the complaint, to making prehearing motions, to handling exhibits, he'll share tips you can immediately incorporate. And, you'll learn how to posture for an appeal if one is required. Whether you're a veteran or novice litigator, you can't afford to miss this session!

### Be Your Clients' "FERPA Sherpa": Carrying FERPA Compliance Into the 21st Century

**Karen A. Haase**, *KSB School Law, PC, LLO, Lincoln, Neb.*

1 - 4 p.m. ★ Pre-Conference Symposium II



The Family Educational Rights and Privacy Act predates email, social media, apps, and other technology common in public education today. So how do districts balance the act's requirements with the complex information demands of 2019? Blending her unique wit with expert commentary, Karen Haase will tackle these issues as well as how to reconcile campus record management software with record retention policies. She'll detail FERPA considerations when districts interact with law enforcement, use video and security recordings in the discipline context, and operate in an era where stakeholders expect instant information. You'll leave this symposium ready to better serve your clients when it comes to spoliation, litigation holds, electronic record management, and much, much more.

# Tuesday, January 15

### The Year in Review 2018 (and a Look Ahead to 2019)

**Julie J. Weatherly**, *Resolutions in Special Education, Inc., Mobile, Ala.*

8 - 10 a.m.



This highly popular, fast-paced session offers an instructive and entertaining overview of the most important cases decided during 2018. Julie Weatherly will share her expert insights on the potential impact of the cases for special education practitioners and her predictions for hot litigation trends in 2019.

### Ethics I | Ethical Obligations During Settlement and Dispute Resolution

**Brandon K. Wright**, *Miller, Tracy, Braun, Funk & Miller, Ltd., Monticello, Ill.*

10:15 - 11:15 a.m.



Special education law is growing more complex, adversarial, and litigious. Join Brandon Wright as he addresses approaches school attorneys can take to properly handle the most common ethical challenges arising during settlement and dispute resolution. Referencing the ABA Model Rules, he'll review confidentiality, waivers of claims clauses, disclosures to hearing officers, unrepresented parents, and other ethical issues of concern during settlement and resolution sessions.

## A Kinder, Gentler OCR? Tools and Strategies for Responding to Complaints Under OCR's Case Processing Manual

**David D. Garner**, *Osborn Maledon, Phoenix, Ariz.*

**Chelsea Gaberdiel**, *BASIS.ed, Scottsdale, Ariz.*

11:15 a.m. - 12:30 p.m.



David Garner and Chelsea Gaberdiel will highlight the major changes to OCR's 2018 Case Processing Manual, which are generally considered to be favorable to schools. They'll cover the expanded list of reasons for pre-investigation dismissals of a complaint; the new landscape for opening, investigating, and resolving discrimination claims; and legal and practical considerations for managing an OCR investigation. You'll leave with practical take-away lessons from recent, real-life OCR investigations.

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## There's a New Standard of FAPE — Fact or Fiction?

**Dianna Bowen**, *Thompson Horton LLP, Dallas, Texas*

1:45 - 3 p.m.



Courts across the country are construing *Endrew F.*, and the Department of Education has shared its interpretation of this landmark decision. The question is: Has FAPE changed? Dianna Bowen will bring you up to speed on the key FAPE decisions from all 11 U.S. Circuit Courts of Appeal, and many other cases decided since the Supreme Court's 2017 unanimous ruling. Ms. Bowen will underscore the lessons learned so you can advise districts on developing "appropriately ambitious" programming, documenting circumstances that may be limiting a student's progress, defining the role of evaluators, and more!

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## Battle of the Experts: Effectively Using and Challenging Experts in Special Education Litigation

**LaKisha M. Kinsey-Sallis**, *Johnson Jackson LLC, Tampa, Fla.*

3:15 - 4:30 p.m.



Determining whether a student received FAPE is not an exact science and often involves the use of expert witnesses. LaKisha Kinsey-Sallis will prepare you for situations where the complexity of the student's disability requires the involvement of an expert or where school officials' judgments are challenged by experts retained by the opposition. Citing to recent cases, she'll compare different approaches to using expert witnesses and highlight nuances that made one approach a better litigation strategy than another. Plus, she'll highlight considerations to keep in mind regarding expert qualifications, experience, and credibility.

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# Wednesday, January 16

## School Violence and Special Education

**Jocelyn P. Kramer**, *Weiss Burkardt Kramer LLC, Pittsburgh, Pa.*

8 - 9:15 a.m.



The special education law practitioner must be skilled in responding to inquiries regarding students who are involved in actual or threatened incidents of school violence. Jocelyn Kramer will provide a renewed look at school-based mental health services and interventions for students with disabilities who are either the victims or perpetrators of threats of school violence or other underlying violations of a school's code of conduct. You'll learn response options for the most common questions posed by schools during a perceived or rumored threat while maintaining compliance with special education laws and regulations.

## The Attorney's Role in Managing School Policy on Discipline

**Brandon K. Wright**, *Miller, Tracy, Braun, Funk & Miller, Ltd., Monticello, Ill.*

9:30 - 10:45 a.m.



Districts must keep on their toes when it comes to compliance with anti-discrimination policies and practices because OCR findings of violations frequently result from a failure to have or to follow an appropriate policy. Brandon Wright will focus on the important policy requirements related to disability discrimination, how to effectively implement them, and how to conduct the right investigation to ensure the right response long before an OCR complaint has been filed. He'll review OCR decisions which focus on the "procedure" followed or not followed; offer practical tips for advising schools on discrimination claims; and share litigation strategies you can use with your clients.

## Prior Written Notice: Please Write It Now!

**Karen A. Haase**, *KSB School Law, PC, LLO, Lincoln, Neb.*

11 a.m. - 12:15 p.m.



Too often attorneys and educators consider prior written notice to be an annoying compliance hurdle rather than a litigation tool to help avoid or successfully defend due process complaints. Karen Haase will explain the PWN triggers you should know and the school attorney's role in this important process. You'll take away practical tips to help you change the narrative around PWN requirements and insights on how compliance can preclude predetermination claims and prove the district has provided FAPE.

## ETHICS II | Always on Call — The School Attorney's Guide to Texts, Emails, and Late-Night Phone Calls

**Dianna Bowen**, *Thompson Horton LLP, Dallas, Texas*

1:30 - 2:30 p.m.



The ABA Model Rules are evolving with the ever-changing use of technology and the practice of special education law. Cellphones, electronic communications, and social media are more than a mere technological convenience for attorneys — they are the key tools used by our clients and the world. Dianna Bowen will review the ethics rules governing attorney communications, identify business practices that may create risks for waiver of the attorney-client privilege, and share advice on how to reduce ethical dilemmas in this ever-changing and fast-paced virtual world.

## Title IX in the #MeToo Era

**David M. Delaney**, *Dell Salter, Gainesville, Fla.*

2:30 - 3:45 p.m.



The contours of the right to access an education free from sexual discrimination and harassment is at the forefront of a national dialogue. Now is the time to recognize red flag scenarios that may involve students with disabilities and lead to time-consuming and expensive litigation. David Delaney will describe how to investigate and prepare for the defense of Title IX claims as they expand into the K-12 special education setting.



# 2 Easy Ways to Register



**Online**

[www.SchoolAttorneysConf.com](http://www.SchoolAttorneysConf.com)



**Phone**

**1-800-727-1227**

## Registration Criteria

To encourage open dialogue and discussion, participation in this conference is limited. Registrants **MUST BE ATTORNEYS** who **do not** currently represent parties with special education interests adverse to school districts. These criteria apply only to the individual attorney and not to other attorneys in the registrant's firm or attorneys with whom the registrant may be associated. By registering for the conference, you are affirming you meet these requirements. LRP does not discriminate on the basis of sex, race, color, national origin, disability or age in admission to, or treatment or employment in, its programs and activities.

## Conference & Hotel Information

Renaissance Phoenix Downtown  
100 N. 1st St.  
Phoenix, AZ 85004  
1-800-309-8138



## Hotel Rate

\$239 single/double + tax

Includes complimentary high-speed wireless internet in guestroom and access to fitness center.

Registrants are responsible for making their hotel reservations. Reservations should be made in the attendee's name. Please contact the hotel's reservation department directly and request LRP's School Attorneys Conference rate. A limited number of rooms are being held until December 20, 2018 or until the rooms are sold out. Please contact the hotel for deposit and cancellation policies. If you require an ADA accessible hotel room we strongly encourage you to make your hotel reservations early and communicate your needs to the hotel.

## Pre-Conference Symposiums (Jan. 14, 2019)

Fee includes attendance at selected symposium(s), continental breakfast and one set of symposium materials.

<b>FULL DAY</b>	<b>Litigating Due Process Cases: Using Trial Skills to Effectively Present Your Case <u>and</u> Be Your Clients' "FERPA Sherpa": Carrying FERPA Compliance Into the 21st Century</b> (8:30 a.m. - 4 p.m.; lunch on your own 11:30 a.m. - 1 p.m.)
<b>\$460</b>	
<b>\$285</b>	<b>Litigating Due Process Cases: Using Trial Skills to Effectively Present Your Case</b> (8:30 - 11:30 a.m.)
<b>\$285</b>	<b>Be Your Clients' "FERPA Sherpa": Carrying FERPA Compliance Into the 21st Century</b> (1 - 4 p.m.)

## Conference Registration (Jan. 15 - 16, 2019)

Fee includes attendance at all sessions, networking breakfasts, refreshment breaks and one set of conference materials.

Best Deal — Save \$180.00! Use Promo Code: ATTORNEY19	Super Early Bird (Now - 10/26/18)	Early Bird (10/27 - 12/3/18)	Standard (12/4/18 - 1/12/19)	On-site
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Call Delta Meeting Network® at 1-800-328-1111 Monday through Friday, 7 a.m. - 7:30 p.m. (CT) and refer to Meeting Event Code NMS3J. Please note there is not a service fee for reservations booked and ticketed via our reservation 800 number. For details on how to book online, visit [www.SchoolAttorneysConf.com](http://www.SchoolAttorneysConf.com).

## Special Needs

Please call 1-800-727-1227 to discuss arrangements. Please register 4 weeks prior to the conference.

TTY: 561-799-6633

## Cancellation Policy

Substitutions may be made at any time with no penalty. Cancellations received in writing by Dec. 14, 2018 will receive a refund minus an administrative fee of \$150. Cancellations received after this date will not be refunded. Unpaid cancellations for the conference will be billed for the appropriate fee. No-show registrations will not be refunded. To request a substitution or cancellation email [conferences@lrp.com](mailto:conferences@lrp.com). LRP Publications reserves the right to cancel the conference due to lack of registrations. In case of conference cancellation, LRP's liability is limited to the refund of the conference registration fee only. LRP reserves the right to alter this program without prior notice.

## Continuing Legal Education

CLE credit for attorneys will be applied for upon request. Contact your State Bar if you are uncertain about mandatory CLE requirements and approval criteria or contact LRP's CLE Coordinator at 1-800-727-1227. LRP Publications is an MCLE-approved provider for the State Bars of California, Missouri, Rhode Island and Vermont. CLE Certificates will be available at the Registration Desk on Wednesday, January 16.

Register now to save big!

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Phoenix, Arizona

*"This is a must-attend conference for those who practice special education law. The ability to network and listen to colleagues who are dealing with similar issues is invaluable."*

Elizabeth Kinsinger, Partner, Thompson Sweeny Kinsinger & Pereira PC, Lawrenceville, Ga.

Save \$180.00 when you register by October 26  
or \$120.00 when you register by December 3!

Visit [www.SchoolAttorneysConf.com](http://www.SchoolAttorneysConf.com)  
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Stay on top of the trending cases,  
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when you attend in 2019!

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