



Z h d f r p h w r # k d w # r x g # r x # G r B ###

Type in Chat...

Using 1-6 words, describe how you are feeling about your role in the field of special ed **or** about the special field in general?



1



What Would You Do?:

Examining 2 PA DPH Cases As If You Are The Impartial Hearing Officer

Sandy Shacklady-White
Educational Consultant – PaTTAN East
July 2021


2

<p>PaTTAN's Mission</p>	<p>The mission of the Pennsylvania Training and Technical Assistance Network (PaTTAN) is to support the efforts and initiatives of the Bureau of Special Education, and to build the capacity of local educational agencies to serve students who receive special education services.</p>
-----------------------------	---


3

<p>PDE's Commitment to Least Restrictive Environment (LRE)</p>	<p>Our goal for each child is to ensure Individualized Education Program (IEP) teams begin with the general education setting with the use of Supplementary Aids and Services before considering a more restrictive environment.</p>
--	--

4

<p>Violations/Errors of IDEA</p> 	<h2>Two Categories of Violations</h2> <ul style="list-style-type: none"> •Procedural •Substantive
--	---

10

<p>Procedural</p> 	<ul style="list-style-type: none"> • District violates one of IDEA's procedural requirements • Most do not, by themselves, result in a denial of FAPE unless the violation: <ul style="list-style-type: none"> ◦ impedes child's right to FAPE ◦ significantly impedes parent/guardian right to participate in the decision-making process to provide FAPE to child ◦ causes a deprivation of ed benefit • IHO unlikely to award comp ed. May direct order to remedy the violation such as staff training
---	--

11

Substantive



- Violation automatically results in denying FAPE
- May result in award of comp ed, tuition reimbursement or other significant relief
- Key areas: obtaining parent input, conduct comprehensive evals, identify PELs, & develop measurable goals, provide related services and supports based on the evals/data

12

Dr. Perry Zirkel's Venn Diagram

www.perryzirkel.com

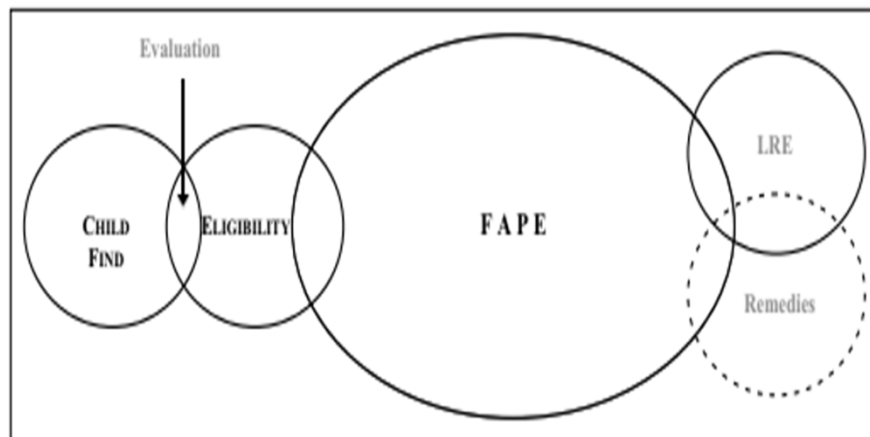


Figure 1. Key components of special education litigation.

Note. FAPE = free appropriate public education; LRE = least restrictive environment.

13

A Quick Word Regarding the Case Summaries...



1. The summaries you will have access to are based on real PA DPH cases in the past year. Keep in mind many details have been omitted from the IHO's decision to keep the case studies brief while providing the key information.
2. While we can learn from each case we read or hear about, every case has unique facts with case specific determinations made by the IHO at that time for that individual student.




16




<https://pattaneast.padlet.org/sshac-kladywhite2/6xsmd8r6bvh4c9zj>


17

<p>CASE 1</p> 	<p>Zoe B v. PA School District</p>
<p>23065-1920KE</p>	


18

<p>CASE 1</p> 	<p>Directions</p> <ul style="list-style-type: none">• Padlet/Chat/Web Page for The Case Summary• Breakout rooms• As a group, decide on the answer under <u>What Do You Think?</u>• Indicate as a group 2-3 recommendations you'd take back to your schools based on this case• Use CASE 1 Google Slides on Padlet and find slide with your BOR #
---	--


19

<p>CASE 1</p> 	<p>Debrief</p> <p>Zoe B v. PA School District</p> <ol style="list-style-type: none">1. Place answer chosen by your group in the chat2. Share one of the recommendations/key learnings in the chat	
---	--	--


20

<p>CASE 1</p> 	<p>Debrief</p> <p>Zoe v. PA School District</p> <p>The answer... #2</p> <p>The SD failed to provide her with FAPE due to lack of determining ID</p>	
---	---	--


21

<p>CASE 2</p> 	<p>PA School District v. Syd</p>
<p>24513-20-21</p>	


22

<p>CASE 2</p> 	<p>Directions</p> <ul style="list-style-type: none">• Padlet/Chat/Web Page for The Case Summary• Breakout rooms• As a group, decide on the answer under <u>What Do You Think?</u>• Indicate as a group 2-3 recommendations you'd take back to your schools based on this case• Use CASE 2 Google Slides on Padlet and find slide with your BOR #
---	--

23

<p>CASE 2</p> 	<p>Debrief</p> <p>PA School District v. Syd</p> <ol style="list-style-type: none"> 1. Place answer chosen by your group in the chat 2. Share one of the recommendations/key learnings in the chat
---	---

24

<p>CASE 2</p> 	<p>Debrief</p> <p>PA School District v. Syd</p> <p>The answer... #1 The SD has proven it should be granted the relief being sought; to conduct the RR.</p>
---	--

25

Thank you for your time today and for what you do every day to help our youth, their families, your staff and your colleagues!

Sandy Shacklady-White

PaTTAN

East Office

sshacklady-white@pattan.net

610-878-72549



Commonwealth of
 Pennsylvania
 Tom Wolf, Governor