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SCHOOL LAW UPDATE

2012

What's New and Noteworthy for School Administrators

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SB7 & PERA UPDATE:
RULES, REGULATIONS, & RIGHTS

2012

David J. Braun

Outline

2012

- Joint Committees (RIF and Evaluation)
  - Preserving Rights, Impasse
  - Solutions
- Evaluation
  - Requirements
  - Assessments
- Implementation
  - Deadlines
  - Issues
- Best Practices

Joint Committees

2012

- Two committees
  - Reductions in Force
    - Created by the Education Reform Act
  - Evaluation
    - Created by the Performance Evaluation Reform Act
- The committees are separate, but they may have the same membership
  - Because they are separate, it is critical when meeting to define which committee is meeting
- Identify the following in writing during any committee meeting:
  - Which committee is meeting
  - Who is present
  - When the meeting takes place
  - What was discussed
  - What was agreed

Joint Committees:
Reductions in Force

2012

- Reductions in force
  - SB7 created a joint committee whose sole job is to manage RIF rules – the committee was given explicit (limited) authority for change of the rules.
    - Mandatory discussions:
      - Moving Grouping 2 (NI and U teachers) to Grouping 3 (P teachers)
      - Alternate definition for Grouping 4 (E teachers)
    - Permissive discussions:
      - Alternate system for placement into groupings if 4 categories do not exist
      - Inclusion of outside evaluation

Joint Committees:
Reductions in Force

2012

- Reductions in force
  - SB7 created a joint committee whose sole job is to manage RIF rules – the committee was given explicit (limited) authority for change of the rules.
  - The only rules for meeting are that the committee must have:
    - 1. Equal representation board and teacher's representatives; AND
    - 2. Meeting by December 1, 2011
    - 3. Reached agreement by February 1 of any year in which a RIF is to be conducted for the rules to take effect
      - The committee MAY agree to meet more often, but no further meetings are required by law
- Best practice tip:
  - IF you're going to agree to more meetings, be sure to agree to when those meetings will *stop.*

Joint Committees:
Evaluation

2012

- Evaluation Committee
  - Required to discuss evaluation performance component (student growth)
  - 180 day clock
    - When does it begin?
      - When you AGREE to begin it, not later than 180 days before implementation date.
      - Which agreement must be provided (in writing) to ISBE
    - What happens when it ends?
      - Subject to agreement
      - A school district, in conjunction with the joint committee, shall be required to adopt *those aspects of the State model … regarding data and indicators of student growth about which the joint committee is unable to agree* within 180 calendar days after the date on which the joint committee held its first meeting.
        23 Ill. Adm. Code 50.200(a)

Joint Committees:
Preserving Solutions, Impasse

- Whose responsibility is it to implement the framework for evaluation? (*i.e.*, to what extent do you have to bargain?)
  - *THE BOARD'S*. 23 Ill. Admin. Code 50.120(a)
  - But, it is also the board's responsibility to work with the joint committee for implementation of certain components of the evaluation.
  - AND, giving the union ownership in some of the evaluation components weakens or robs arguments that those components are "unfair."
- What is agreement?
  - And what defines what happens when we don't agree?
  - Impasse?
    - But is this bargaining?

Joint Committees:
Preserving Solutions, Impasse

- IMPASSE exists if, in view of all the circumstances of the bargaining, further discussions would be futile.

- IMPASSE does not exist if there is "a ray of hope with a real potentiality for agreement if explored in good faith in bargaining sessions."

  - The IELRB looks at five factors in determining whether negotiations have reached an IMPASSE:
    - (1) the bargaining history;
    - (2) the good faith of the parties in negotiations;
    - (3) the length of the negotiations;
    - (4) the importance of the issue or issues as to which there is disagreement; and
    - (5) the contemporaneous understanding of the parties as to the state of negotiations.

Joint Committees:
Preserving Solutions, Documentation

2012

Appendix A

Obligations Checklist

_____ Define the type of meeting

_____ Evaluation Joint Committee

OR

_____ Bill Joint Committee

_____ Define membership (must be equal representation Union and Board selected)

Union: _____ Board: _____

_____ When will 180-day clock for implementation of student growth component begin?

_____ and ending _____

_____ What will occur when the 180-day clock concludes?

* This checklist is intended as a reference for commonly missed obligations, but is in no way comprehensive. For review of specific facts and circumstances, specific counsel should be sought.

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Evaluation:
Required by Implementation Date

2012

- Notice at beginning of school or 30 days after employment of evaluation
  - A copy of rubric used for rating
  - A summary of manner in which measures of student growth and professional practice will relate to ratings
  - A summary of the district's procedures for professional development
- Assessment
- Professional Practice
- Observation
  - At least 2 observations
  - At least 1 of which is formal
    - Observation for a minimum of 45 minutes; OR
    - Observation of complete lesson
    - Observation of complete class period
- Summative Rating

Evaluation:
Assessments

2012

- Evaluation Committee must discuss (for implementation date):
  - What type of assessment will be used?
  - How will the assessments be applied?
  - How much will the assessments count for?
    - A “significant factor” of evaluations
      - At least 25% in year one and two
      - At least 30% thereafter

What's an Assessment?

2012

- Any instrument that measures a student's acquisition of specific knowledge and skills.
- There are 3 types of Assessments
  - Type I
  - Type II
  - Type III

What's an Assessment?

2012

"Type I assessment"

- measures a certain group or subset of students in the same manner with the same potential assessment items, is scored by a non-district entity, and is administered either ***statewide*** or beyond Illinois (think: ISAT, ACT).

"Type II assessment"

- means any assessment developed or adopted and approved for use by the school district and used on a ***district-wide*** basis by all teachers in a given grade or subject area (think: textbook tests).

"Type III assessment"

- means any assessment that is rigorous, that is aligned to the course's curriculum, and that the qualified evaluator and teacher determine measures student learning in ***that course*** (think: textbook tests).

What's an Assessment?

- You must include 2 different types of "assessments" in your evaluation by "implementation date"
  - At least one Type I or Type II
  - At least one Type III
- Best practice tip:
  - Begin learning about the assessment types and options now, and begin discussing needs with the union early.

Implementation:
Timeline, not the date!

2012

- **September 1, 2012**
  - 4 summative ratings:
    - Excellent
    - Proficient
    - Needs Improvement
    - Unsatisfactory
      - These are **mandatory**
      - Districts may not change them, equate them, or otherwise define them
  - Principals evaluation must have student performance component as a significant factor in evaluation
  - Evaluators must be "pre-qualified" before performing evaluations
    - Pass training modules 1-3
- **November 1, 2012**
  - Evaluators must have passed training module 4.

Implementation:
Dates

2012

- **September 1, 2013**
  - CPS must include student performance as a significant factor in evaluation
- **By date in agreement if RT3 funded**
- **September 1, 2015**
  - Districts wherein student performance ranks in the lowest 20 percent among school districts of their type (i.e., unit, elementary or high school) must include student performance as a significant factor in evaluation based on 2014 state-wide assessments
- **September 1, 2016**
  - All other districts must include student performance as a significant factor in evaluation

Implementation:
Issues

- **Are there risks associated with failing to complete training before performing evaluation?**
  - Absolutely
  - Best practice: Complete all training as soon as possible, and whenever possible *before* evaluation
- **What if an evaluator fails to complete the evaluation training?**
  - Remediable conduct
  - Disciplinary sequence
- **What if one of the parties or the committee blocks implementation of the outcome?**
  - Traditional bargaining results are key
  - This is why procedural agreement is critical prior to substantive discussions

Best Practices

- **Best practice tips:**
  - Ensure 4 category compliance immediately
  - Keep union in the loop – make the union part of the *solution*, not part of the problem. Ownership in the result is key.
  - *Get trained early*
    - Identify those who are not getting trained early, and begin the "notification" process immediately
    - Get evaluators who have not completed their requirements on and through remediation as soon as possible

Best Practices

- **Best practice tips:**
  - Begin discussions regarding *process* which will be used before *substance* is discussed.
    - Procedure should drive substance
    - If you wait until substance is on the table, substance will drive procedure
  - Begin preliminary discussions regarding changes *early*, do not be in a hurry to implement final drafts
    - Seek and be open to input from all stake-holders.
    - Don't be afraid to "try things out" before you commit to a final result.

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GRIEVANCE PROCESSING & ARBITRATION STRATEGIES

2012

Luke Feeney

Overview

2012

- Grievance Overview
- General CBA Requirements
  - Step One Resolution
  - Step Two Resolution
  - Demand for Arbitration
- Arbitration
  - Timeline
    - Pre-Hearing
    - Hearing
    - Post-Hearing
- Strategies and Trends

Overview

2012

- Increase in “Administrative Litigation”
  - Grievance / Arbitration
  - Office of Civil Rights (“OCR”) Complaints
  - Illinois Department of Labor (Wage and Hour)
  - IELRB - Unfair Labor Practices
  - Special Education Due Process
- Why?
  - Agency complaints or investigations often effectively allow a “plaintiff” to “sue” with little or no out of pocket cost (time and/or money).

Grievances

2012

- Why grievance arbitration?
  - IELRA – 115 ILCS 5/10(c)
    - The collective bargaining agreement negotiated between representatives of the educational employees and the educational employer *shall contain a grievance resolution procedure which shall apply to all employees in the unit and shall provide for binding arbitration of disputes concerning the administration or interpretation of the agreement*.

Grievances

2012

- What is a grievance?
  - Statutory definition
    - A dispute concerning the “administration or interpretation” of the CBA.
  - CBA definition
    - Does your CBA expand the definition of a grievance?
  - Definition in practice
    - Anything goes?

Grievances

- Filing requirements
  - Time limitations (frequently 30 days)
  - Contract provision – Does your CBA require the grievant to cite to the section of the CBA that has been allegedly violated or misinterpreted?
  - Duty of fair representation / class grievances

Grievance Processing

2012

- General Framework
  - Step one resolution meeting
    - Building Principal
  - Step one written denial
    - Building Principal
  - Step two resolution meeting
    - Superintendent
  - Step two written denial
    - Superintendent
  - Demand for Arbitration
    - Generally within 30 Days

Grievance Processing

2012

- Intake Procedures
  - What does the grievance allege?
  - When did the alleged violation take place?
  - When did the grievant learn of the violation?
  - What is the requested remedy?
  - Does the CBA govern?
  - If the CBA is vague, how has it been applied in the past?
  - If the CBA is silent, what has been the *past practice*, and for how long?

Grievance Procedures

2012

- Grievance resolution meetings:
  - Notes v. Recording
  - Resolution v. Documentation
  - Confrontation v. Clarification and information gathering
  - Take the issue under advisement and respond in writing.

Grievance Processing

- Written decisions:
  - Short and sweet – "grievance denied"
    - *Except*: Timeliness
      - If the grievance was not filed within the time limitations set forth in the CBA this ***MUST*** be asserted as early as possible.
      - Absent significant prejudice to the employer Arbitrators will generally not recognize a time limitation defense if it is not raised early in the proceedings.
      - If the grievance is untimely detail the prejudicial effect.

Arbitration

- Demand for Arbitration
  - Generally required to be filed within 30 days of the step two written response.
  - Can be filed with the American Arbitration Association or with the District depending on the arbitration language in the CBA (AAA or arbitrator by mutual selection)
    - AAA v. Arbitrator by mutual selection
    - AAA selection and scheduling process can be slow.
      - Arbitration hearings are frequently 3 – 6 months (or more) after the filing of the grievance.

Arbitration

2012

- Arbitration Hearings:
  - Hearings generally “mirror” a court proceeding but are much less formal
    - Statement of Issue
    - Opening Statements
    - Presentation of Evidence by Grievant
      - Cross Examination
    - Presentation of Evidence by Respondent / Employer
      - Cross Examination
    - Closing Statements or Briefs in lieu of Closing Statements

Arbitration

2012

- Strategies / Trends
  - Arbitrators generally avoid deciding cases on procedural grounds.
  - Unlike Court proceedings the Arbitrator will not learn any of the issues, facts or background beforehand.
  - Use Stipulations when possible to speed up the hearing, but “paint a picture” for the Arbitrator.
  - When arguing past practice err on the side providing too much proof.
  - Do not assume that the Arbitrator will have any background in education or any experience with educational labor relations.

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SPECIAL EDUCATION LEGAL UPDATE: ***What's New and Noteworthy in 2012?***

2012

Brandon K. Wright

The FAPE Obligation

- The *Rowley* Standard:
  - "A court's inquiry [as to whether or not an IEP provides FAPE]… is twofold. First, has the State **complied with the procedures** set forth in the Act? And second, if the individualized education program developed though the Act's procedures **reasonably calculated to enable the child to receive educational benefits**?"

PART C TO PART B TRANSITION

2012

City of Chicago School District No. 299, 57 IDELR 266 (ISBE 2011). An Illinois district could have avoided a denial of FAPE claim if it had simply continued a student's IFSP. The 3-year-old student with significant language delays received early intervention services in the district. The student turned 3 in February, 2011. The district failed to honor the parents' and advocates' request to evaluate him for special education before he turned 3; and, on his third birthday, the early intervention services were discontinued. **As a result, the student was deprived of educational programming from February until June, 2011 when an IEP team convened**. The IHO determined that the student was deprived of FAPE because the district failed to provide an IEP or IFSP no later than his third birthday. As a result, the student didn't make educational gains and should have been afforded the benefit of compensatory education, the IHO concluded.

CHILD FIND

2012

In re: Student with a Disability, 112 LRP 12493 (MS 2012). An IHO concluded that a Mississippi school district denied FAPE to a student by delaying his initial evaluation for a year, due to the district's reliance on Head Start to schedule a screening. While the district has historically relied upon Head Start to schedule evaluations, the district had an affirmative obligation to ensure the student was evaluated.

The **Child Find** Obligation

2012

Sources of information that could trigger this obligation:

- **School physicals?**
- **Sports physicals?**
- **Notes to excuse an absence?**

CONSENT FOR EVALUATIONS

2012

G.J. v. Muscogee County School District, 704 F.Supp.2d 1299 (M.D. Ga. 2010). The parents of a 7-year-old with autism effectively withheld their approval for a triennial reevaluation by placing numerous restrictions on how the assessment would be conducted, a federal District Court held. When the parents signed the district's consent form, they attached an addendum requiring a specific evaluator, parental approval for each instrument, and meetings before and after the evaluation. The District Court noted that although the parents contended their addendum merely tracked the IDEA's requirements, it was in fact much stricter. Furthermore, they continued to seek significant conditions, including a limitation that the reevaluation "not be used in litigation against [the parents]." "**With such restrictions, Plaintiffs' purported consent was not consent at all**," U.S. District Judge Clay D. Land wrote. The court ordered the parents to consent to the reevaluation, observing that they were free to decline services rather than comply with the order.

RESPONSE TO INTERVENTION

2012

Daniel P. v. Downington Area School District, 57 IDELR 224 (E.D. Pa. 2011). By closely monitoring the progress of a student in RTI, the school district avoided a child find violation. The court pointed out that although the school district offered the student RTI programming only (and no special education) during first and second grade, the district continued to monitor his progress. When his RTI teacher noted his increasing difficulties at the end of second grade, the district evaluated the student for special education, found him eligible, and promptly developed an IEP. Despite the parents' claim that the district violated child find by not identifying him earlier, the court stated:

> **…[T]here is simply no basis for concluding that the District should have acted sooner than it did in determining that Daniel was eligible for special education services and nothing showing that the District failed to timely act. Daniel's report cards reflected that he was making progress throughout the first and second grades. His [RTI] teacher noted increasing difficulties at the end of second grade and in the first month of third grade the District conducted [an evaluation and developed an IEP].**

RESPONSE TO INTERVENTION

2012

Harrison, Colorado School District No. 2, 57 IDELR 295 (Colo. SEA 2011). Implementation of RTI strategies did not offset this Colorado school district's failure to timely evaluate a student with ADHD. OCR decided that the school district denied FAPE to the student when it failed to timely evaluate him for special education eligibility, particularly due to the possible OHI eligibility.

RE-EVALUATION

2012

Moorestown Board of Education v. S.D. and C.D. on behalf of M.D., 811 F. Supp. 2d 1057 (D. N.J. 2011). A New Jersey district's refusal to reevaluate a private school student with an SLD just because his parents wouldn't reenroll him first denied the student FAPE. While, the school district insisted that the parents reenroll the child first the court found that the district denied the student FAPE, and awarded tuition reimbursement, noting that the IDEA requires a reevaluation if a parent requests it for purposes of obtaining an offer of FAPE, regardless of enrollment status.

"Surely, Congress did not intend to turn special education into a game of poker, where a school district does not have to show its cards until after the parents have taken the gamble of enrolling their child."

ELIGIBILITY AND OUTSIDE EVALUATIONS

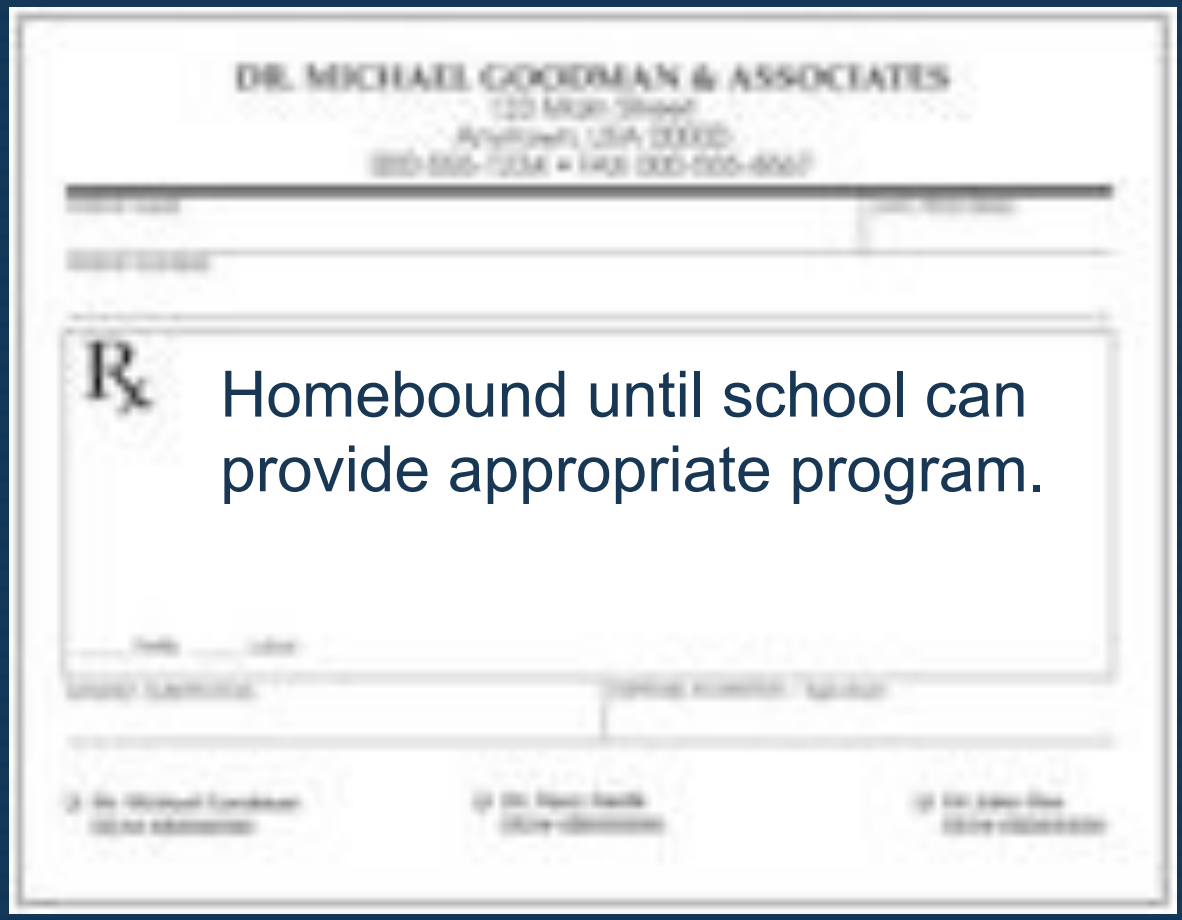
2012

Marshall Joint School District No. 2 v. C.D., by and through his parents, Brian D. and Traci D., – F.3d –, 110 LRP 44405 (7th Cir. 8/2/2010).

"This is an incorrect formulation of the [eligibility] test... It is not whether something, when considered in the abstract, can adversely affect a student's educational performance, but whether in reality it does."

What to do with….

… the scribbled note on a prescription pad?



What to do with….

… the qualified recommendation?

What to do with….

…the “cookie cutter” report?

Other Medical Evaluations

2012

A district does not have to acquiesce to a parent's wish for a particular placement merely because the parent claims the requested placement is medically necessary. *See Marc V. v. North East ISD.*

"A physician cannot simply prescribe special education; rather the [IDEIA] dictates a full review by an IEP team." *Marshal Joint SD v. C.D.*

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More from *Marshall*…

2012

- **The Court was critical of the IHO's finding, which relied heavily upon the physician's statement that the student's educational performance *could* be affected by his medical condition…**

More from *Marshall*…

- **"This is an incorrect formulation of the [eligibility] test… It is not whether something, when considered in the abstract can adversely affect a student's educational performance, but whether in reality it does."**

More from *Marshall*…

- **The Court was further critical of the IHO's reliance on the opinion of the private physician because:**
  - It was based almost entirely on information obtained from the parent.
  - The "evaluation" lasted only about 15 minutes.
  - The physician did not conduct any observation of the student's educational performance.

Parent-initiated evaluations…

(c) *Parent-initiated evaluations.* If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—

(1) Must be **considered** by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.

34 C.F.R. §300.502(c).

How do we document that we "considered" an outside eval?

2012

?

How do we document that we "considered" an outside eval?

2012

THE MEETING NOTES

The Meeting Notes:

2012

- *Remember*: **if it is not written down, it does not exist.**

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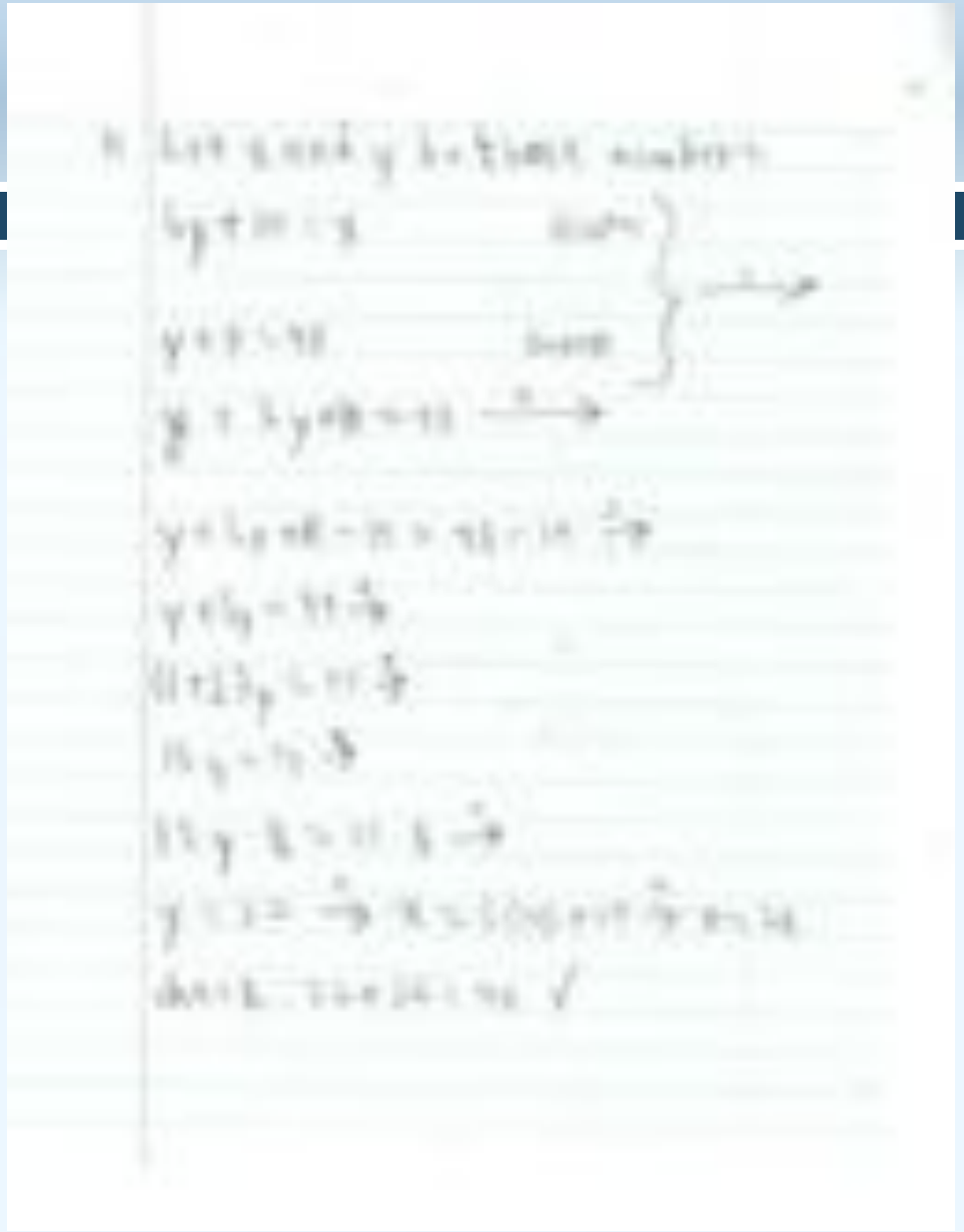
Meeting Notes

2012

Just like your math teacher tells you….

SHOW YOUR WORK!



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Homebound services?

2012

In order to establish eligibility for home or hospital services, a student's parent or guardian must submit to the child's school district of residence a written statement from a physician licensed to practice medicine in all of its branches stating the existence of such medical condition, the impact on the child's ability to participate in education, and the anticipated duration or nature of the child's absence from school. Home or hospital instruction may commence upon receipt of a written physician's statement in accordance with this Section, but instruction shall commence not later than 5 school days after the school district receives the physician's statement.

Case Notes

2012

Marc M., on behalf of his minor son, Aidan M. v. Department of Education, State of Hawaii, 762 F. Supp. 2d 1235 (D. Haw. 2011). Although the parents of a teen with ADHD waited until the very last moment of an IEP meeting to supply a private school progress report, that was no basis for the team to disregard it. The District Court ruled that the Hawaii ED violated the IDEA procedurally and denied the child FAPE when it declined to review the report, which contained vital information about his present levels of academic achievement and functional performance. Although the parents delivered the document without explanation at the end of the meeting, the care coordinator reviewed it and concluded it showed progress. As a result, the IEP contained inaccurate information about the student's current performance. The court ruled that the procedural errors "were sufficiently grave" to warrant a finding that the child was denied FAPE.

EXCUSAL OF IEP PARTICIPANTS

2012

Pursuant to 34 CFR §300.321(e), a member of the IEP Team described in paragraphs (a)(2) through (a)(5) of that section is not required to attend an IEP Team meeting, **in whole or in part**, if the parent and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP Team can be excused from attending an IEP Team meeting, **in whole or in part**, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if --

(i) The parent, in writing, and the public agency consent to the excusal; and

(ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

PREDETERMINATION

2012

Berry v. Las Virgenes Unified School District, 370 F. App'x 843, 54 IDELR 73 (9th Cir. 2010).

-vs-

Ka.D., a minor, by her mother, Ky.D., as her next friend; Ky.D. and B.D., v. Solana Beach School District, 54 IDELR 310 (S.D. Cal. 2010).

What's the legal distinction?

FAPE AND PROGRESS

2012

- *W.R. and K.R. v. Union Beach Board of Education*, 54 IDELR 197 (D. N.J. 2010).
- *Klein Independent School District v. Hovem*, --F.3d--, 112 LRP 39704 (5th Cir. , August 6, 2012).
- *K.E. v. Independent School District No. 15, St. Francis, Minnesota*, 647 F.3d 795 (8th Cir. 2011).

LEAST RESTRICTIVE ENVIROMENT

2012

Dear Colleague Letter, 112 LRP 14029 (OSEP, February 29, 2012). A district with limited or no preschool programs is not absolved from its obligation to comply with LRE for all students receiving Part B services, including preschoolers. **OSEP noted that LRE applies to children aged 3 through 5.** The LRE provision represents a strong preference for educating such children alongside their typically developing peers. Moreover, the preference applies **whether or not the LEA operates public preschool programs for children without disabilities**. Such LEAs "must explore alternative methods to ensure that the LRE requirements are met for that child," OSEP Director Melody Musgrove wrote.

LEAST RESTRICTIVE ENVIROMENT

2012

Dear Colleague Letter, 112 LRP 14029 (OSEP, February 29, 2012).

(continued)

These methods may include: 1) providing opportunities for the child to participate in preschool programs operated by other public agencies (such as Head Start or community based child care); 2) enrolling preschool children with disabilities in private programs for nondisabled preschool children; 3) locating classes for preschool children with disabilities in regular elementary schools; or 4) providing home-based services. OSEP also stated that if a public agency determines that placement in a private preschool program is necessary for a child to receive FAPE, the public agency must make that program available at no cost to the parent.

IEP Implementation

2012

Accessibility of child's IEP to teachers and others. Each public agency must ensure that— (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of— (i) His or her specific responsibilities related to implementing the child's IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

34 C.F.R. §300.323(d).

TRANSITION ASSESSMENTS

2012

Carrie I. v. Department of Education, State of Hawaii, 59 IDELR 46 (D. Haw. 2012). "***The lack of assessments alone is enough to constitute a lost educational opportunity***."

District of Columbia Public Schools, 57 IDELR 114 (DC SEA 2011). The District of Columbia made a costly mistake when it developed postsecondary transition goals for a teenager with an emotional disturbance **based solely on a 10-minute interest interview**. Determining that the goals were not reasonable, realistic, or attainable, an IHO found that the district's failure to develop an appropriate transition plan entitled the student to compensatory services. The IDEA requires postsecondary goals to be based on "**age-appropriate transition assessments**." Although the IDEA does not define this term, it generally is understood to mean a comprehensive evaluation of the student's interests, strengths, and needs with regard to **education, training, employment, and independent living skills**.

SECTION 504

2012

Broward County (FL) School District, 58 IDELR 292 (OCR 2012). A Florida school district was required to take both district-wide and student-specific action to remedy violations of Section 504, as its practice and policy was to require parents to provide a medical diagnosis of a disability before initiating a 504 review. OCR reminded the school district that the regulations require districts to evaluate students suspected of having disabilities "at no cost to their parents." This school district required parents to provide documentation of a student's disability diagnosis before it would commence the eligibility determination process.

SECTION 504

2012

In Re Ansonia (CT) Public Schools, 56 IDELR 176 (OCR 2010):
OCR learned that the Board designated two administrators as its Section 504 Compliance Officers. However, OCR found that the Board's designees did not understand the Board's obligations under Section 504, such as key differences between a grievance procedure and an impartial due process hearing under Section 504 or that, as employees of the Board, they could not lawfully serve as, impartial hearing officers to review decisions regarding the identification, evaluation and placement of students with disabilities. Thus, although the Board designated at least two persons to coordinate its compliance with Section 504, OCR determined that the Board's designees could not effectively coordinate compliance because they did not understand important regulatory requirements, as is contemplated by Section 504.

SECTION 504

Additional Case Notes:

Celeste v. East Meadow Union Free School District, 54 IDELR 142 (2d Cir. 2010) . **Minor architectural barriers = $$$.**

Ridley School District v. M.R. and J.R., 56 IDELR 74 (E.D. Pa. 2011). **Food differences ≠ discrimination.**

South Lyon (MI) Cmty. Schs. 54 IDELR 204 (OCR 2009). **and** *Marana (AZ) Unified Sch. Dist.*, 53 IDELR 201 (OCR 2009). **Denial of extra-curricular participation = discrimination.**

Wilson County (TN) Sch. Dist., 50 IDELR 230 (OCR 2008). **Accommodations required in honors classes.**

Thank you

2011

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