

What is Lanterman Regional Center?

Lanterman Regional Center is one of 21 regional centers in the state of California, which together serve over 225,000 individuals with, or at risk for, developmental disabilities and their families.



What is Lanterman Regional Center?

Lanterman offers **lifelong services** and **supports** including:

- *Assessment and diagnosis*
- *Service coordination linking people with services*
- *Assistance in finding and using community resources*
- *Purchase of services identified in the individual plan*
- *Advocacy for the protection of legal, civil and service rights*
- *Early intervention services for at-risk infants and their families*

How does state law define a developmental disability?

1. A disability that begins before the person's 18th birthday,
2. Continues or can be expected to continue indefinitely,
3. Presents a significant disability in three or more functional life areas,
4. And must be due to one of the following conditions:
 - Autism
 - Cerebral palsy
 - Epilepsy
 - Intellectual Disability
 - Disabling conditions closely related to an intellectual disability or requiring similar treatment.

The Law Clinic as a vendor of the Regional Center

- The Regional Center partners with various service providers, including the Law Clinic
- If a Service Coordinator identifies a client with a potential special education legal issue, he/she refers the case to the Law Clinic
- If the case involves a true legal issue, which can be resolved by the Clinic, the case will be assigned to an advocate

Law Clinic Mission

- To prepare law students for careers in special education law through negotiation, case management and legal writing skills while under the supervision of licensed attorneys.
- To empower Lanterman families to advocate for themselves and their children through educational outreach programs and limited scope direct advocacy services.

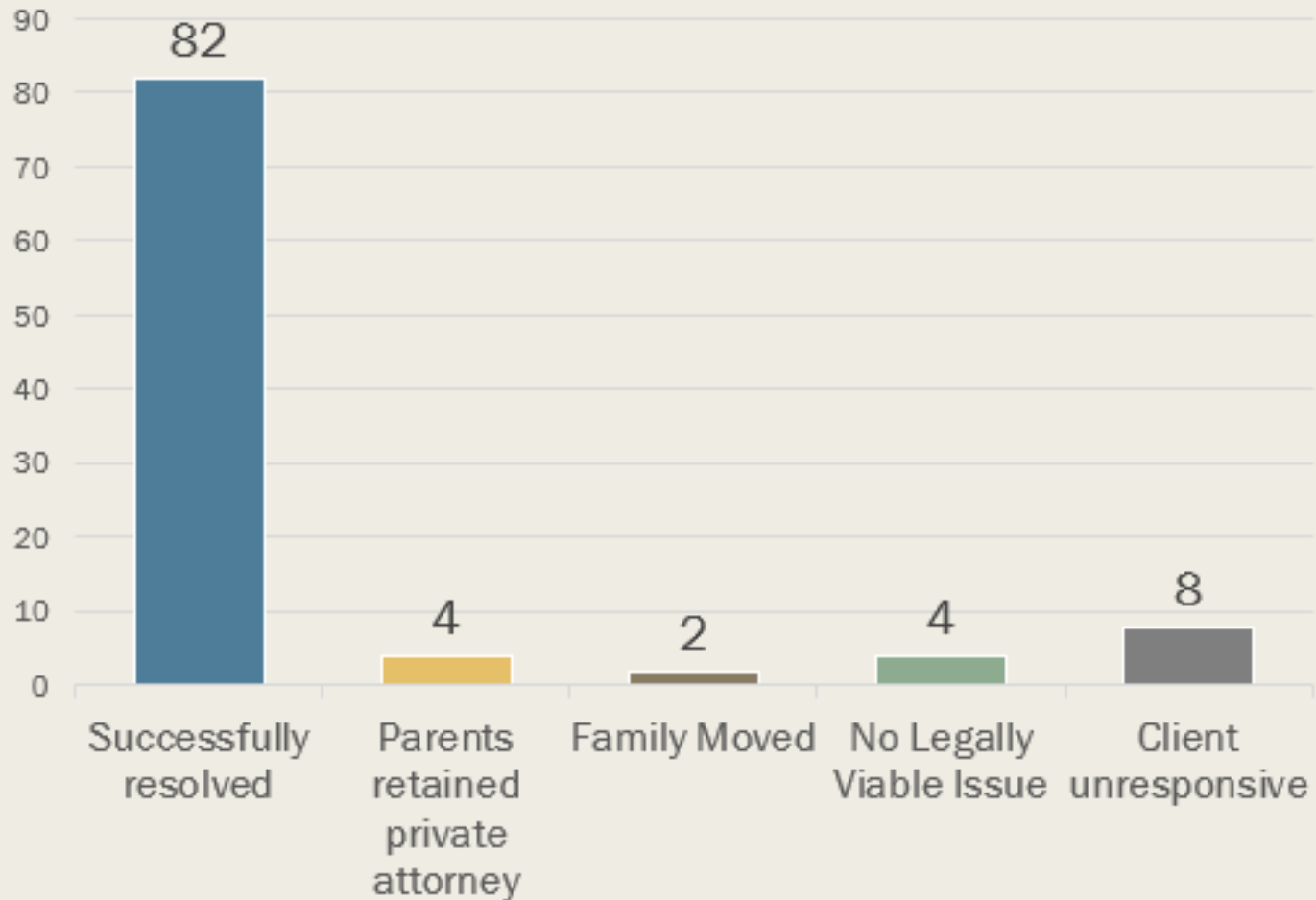
Law Clinic History

- Founded over 20 years ago at Pepperdine Law School as an on-site clinic
- Moved to Whittier Law School in 2001
- Moved onsite to Lanterman Regional Center in 2013
- Cases served at any one time has grown from 50 to over 120
 - *The Law Clinic has more than doubled its ability to serve families since moving on site an opening to multiple law schools*

Why Law Students?

- Students gain valuable experience
- Non-attorney advocates serve valuable and distinct roles from attorneys
 - *Encourages friendlier and more productive negotiation at the IEP and mediation levels*
 - *Preserves the family's ongoing relationship with the school district*
 - *School districts cannot bring an attorney to the meeting*
- Results speak for themselves!
 - *Over the last 20 years, the law clinic has consistently resolved over 90% of its cases in favor of the clients*

Referred cases



1012 cases, 2000 - 2010

Who are our clients?

Children

- Age 2 to 24 years old
- With a developmental disability
- Who receive, or wish to receive, special education services
- And are experiencing difficulty with their School Districts.



What is an IEP?

- Individualized Education Program
 - *Legally binding document which specifies the placement and services required to serve a child's unique needs so that he/she can benefit from his/her education*
- Governed by:
 - *Federal law*
 - Individuals with Disabilities Education Act (IDEA)
 - Section 504 of the Rehabilitation Act
 - *State law*
 - California Education Code
 - California Code of Regulations

How does a student get an IEP?

Identification

- School's duty to find OR
- Parent identifies issue

Assessment

- Initiated by school or parent
- Parent must consent to proposed assessment plan

Development

- Once assessments are complete, school holds IEP team meeting to develop plan for child based on all available information

Implementation

- Once IEP is developed, IEP must be implemented as soon as possible

What does an IEP include?

- Present levels of performance
 - *Including any assessment results*
- Goals for the coming year
- Placement
 - *Free Appropriate Public Education (FAPE)*
 - *Least Restrictive Environment (LRE)*
- Related Services
- Accommodations and modifications

What kind of related services are included?

Based on the child's unique needs to benefit from his education

Therapy

Speech

Physical

Occupational

Adaptive PE

Assistance

One to one
aide

Health
services

Accessibility

Transportation

Assistive
technology

Compliance Complaint

- California Department of Education
- Failure to adhere to established federal or state law
 - *E.g. A child's IEP lists speech therapy, but the school district is not providing it. The district is violating the IDEA requirement that IEPs be implemented as soon as possible.*
- Complaint initiates a 60 day investigation
- CDE will find district “out of compliance” and order remedies or “in compliance”
 - *Filing for reconsideration is possible*

Office of Civil Rights Complaint

- Based on Section 504 of the Rehabilitation Act
- Asserts a claim of discrimination
 - *E.g. A child has been denied enrollment to preschool because of his health issues*
- Initiates an investigation procedure (no timeline)
- If OCR finds District out of compliance, it will give the District a small window to be in compliance before submitting a “Letter of Finding” about failure to meet legal standards

Due Process

- Office of Administrative Hearing
- When there is a *dispute* about what a child needs
 - *E.g. A parent feels that his child would benefit from a one-on-one aide, but the school district denies the request.*
- Administrative Hearing with witnesses and evidence leads to a ruling
- Mediation is one step in the process but can also be used separately
- The Law Clinic will assist with mediation only, but not Due Process

Examples of successful resolutions:

- IEP
 - *Turning initially hostile or roadblocked meetings into objective, rational, focused and productive resolution sessions*
- CDE Non-compliance complaint
- OCR Discrimination complaint
- Mediation

A tight-knit community



“

The Special Education Law Clinic challenges and empowers law students to become advocates on behalf of those who need representation the most. I gained invaluable insight into representing children and families who truly need someone in their corner making sure the process is fair and their rights are being respected.

”

- Michael Barth
Spring 2016

“

As an education attorney at a legal aid non-profit I've been able to use the skills I learned at the Clinic to train service professionals in my area, train other attorneys in this area of law, and advocate for hundreds of families.

”

- Julia Souza, Esq.
Spring 2014, now practicing

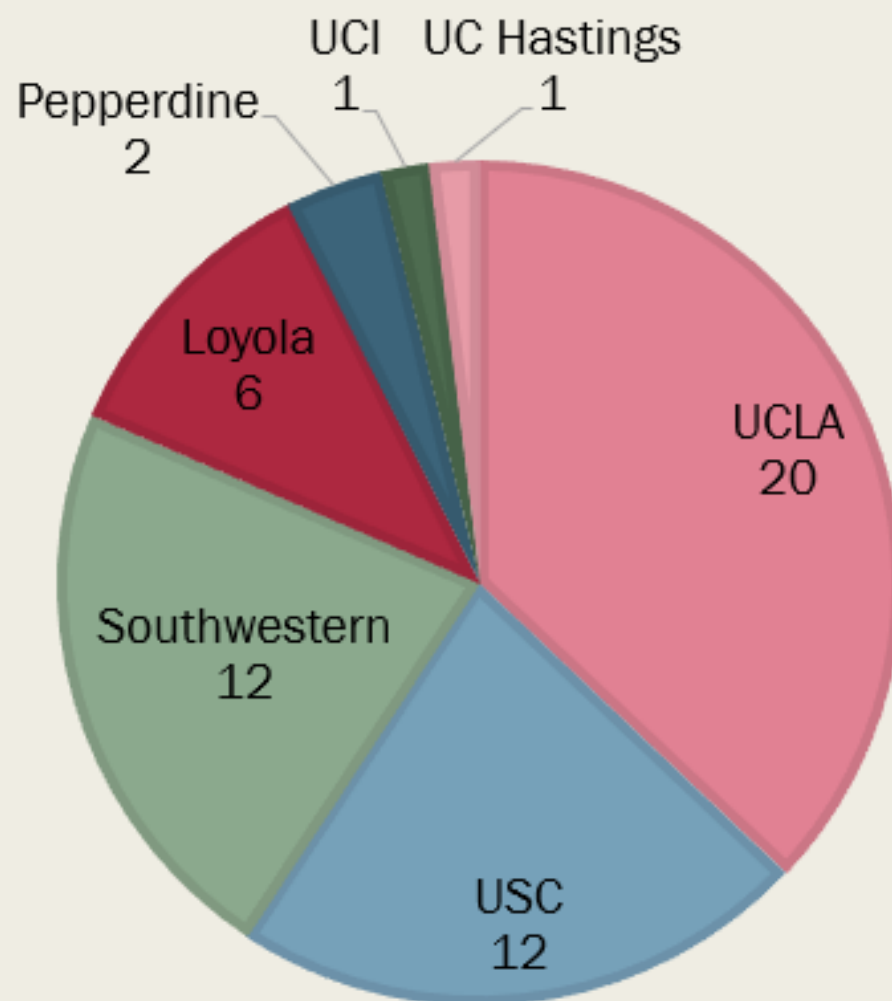
“

When you meet your clients, the children and teens themselves, that's when you will realize that your work is helping the next generation succeed.

”

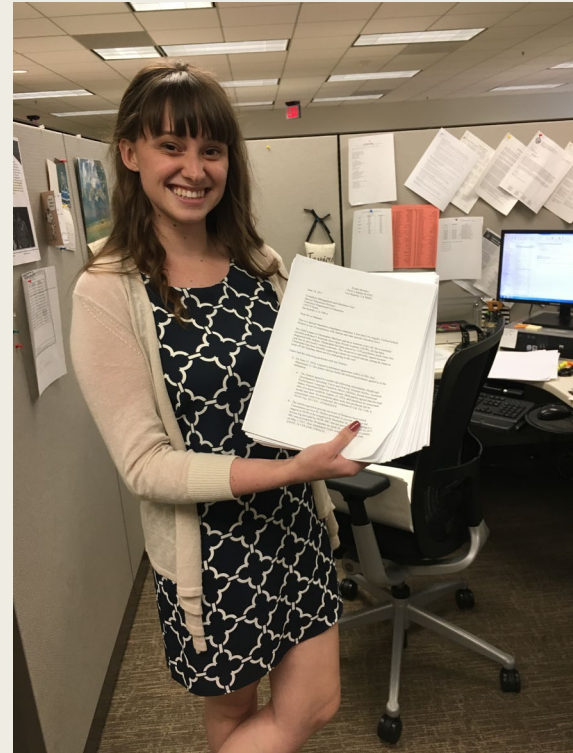
-Roxana Topete
Spring 2015

ADVOCATES BY LAW SCHOOL SINCE 2013



Developing Skills

- Negotiation
- Legal research and writing
- Case management and strategy
- Client interaction



Bailey (UCLA, 2017) holds a recently completed, extensive compliance complaint

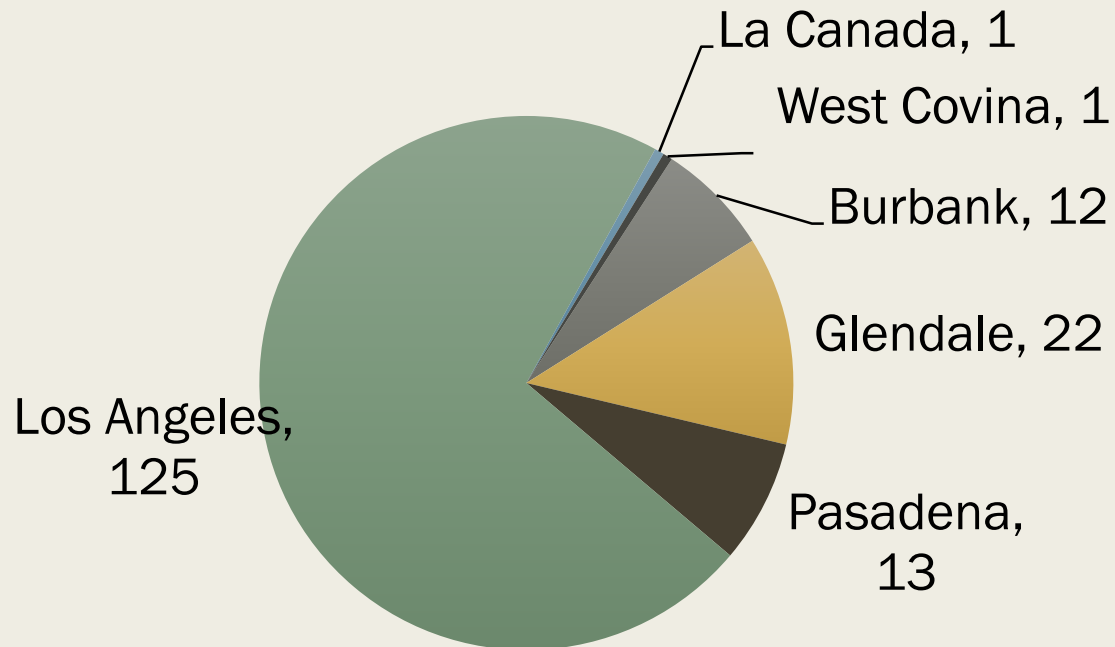
Meeting the Needs of Diverse Clients

- 5 different school districts
- Multiple disabilities including Autism, Intellectual Disability, Epilepsy, Cerebral Palsy, ADHD and Health Impairments
- Clients age 3 through 22
- 23 languages
 - *Over 50% of Law Clinic clients are primarily Spanish Speaking*
- Over 60% of clients are below the poverty line
- Following statistics from 2016-2017 reporting year



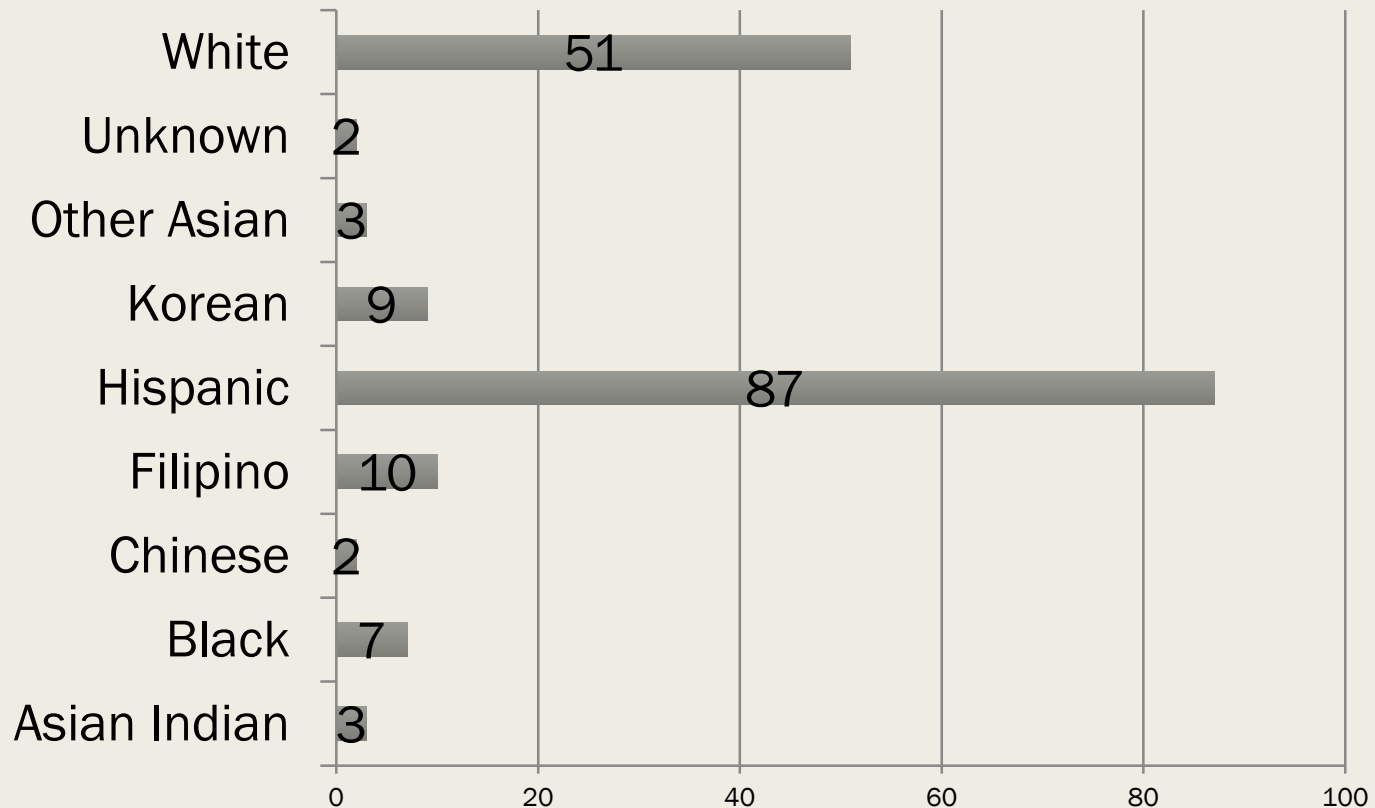
2016-2017 STATISTICS

Serving Diverse Clients: School Districts



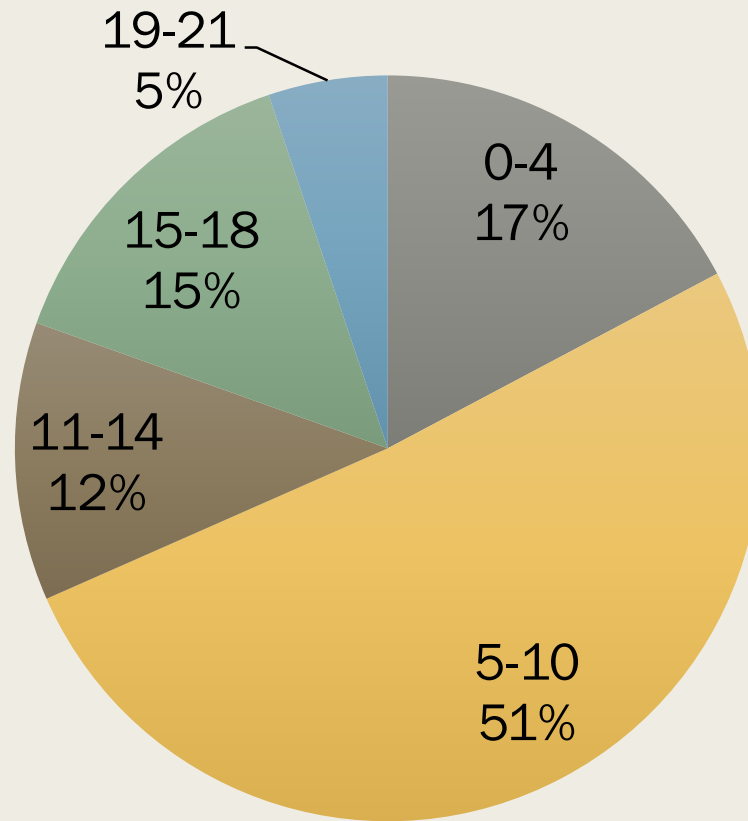
2016 - 2017

Serving Diverse Clients: Ethnicity



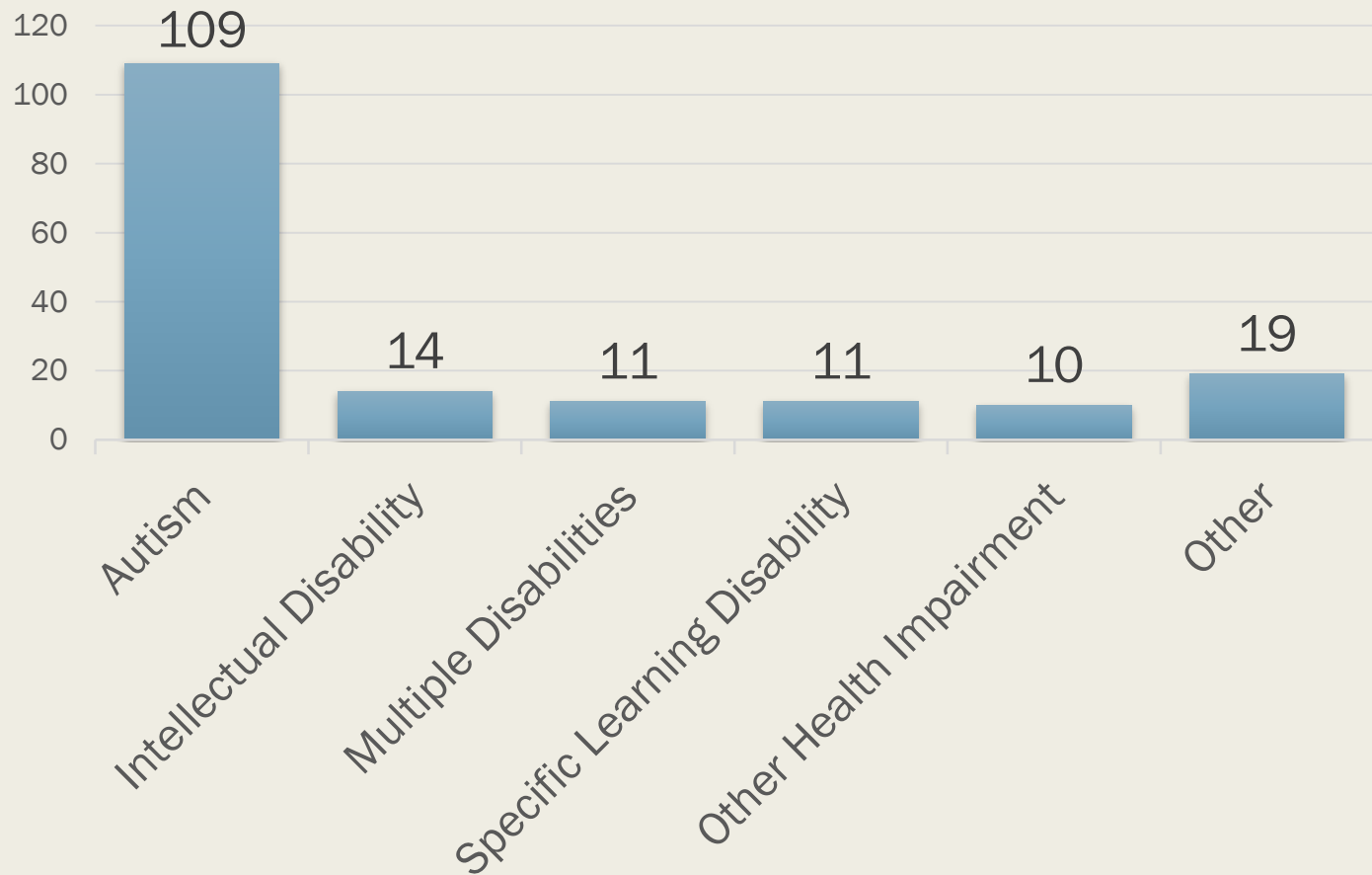
2016 - 2017

Serving Diverse Clients: Ages



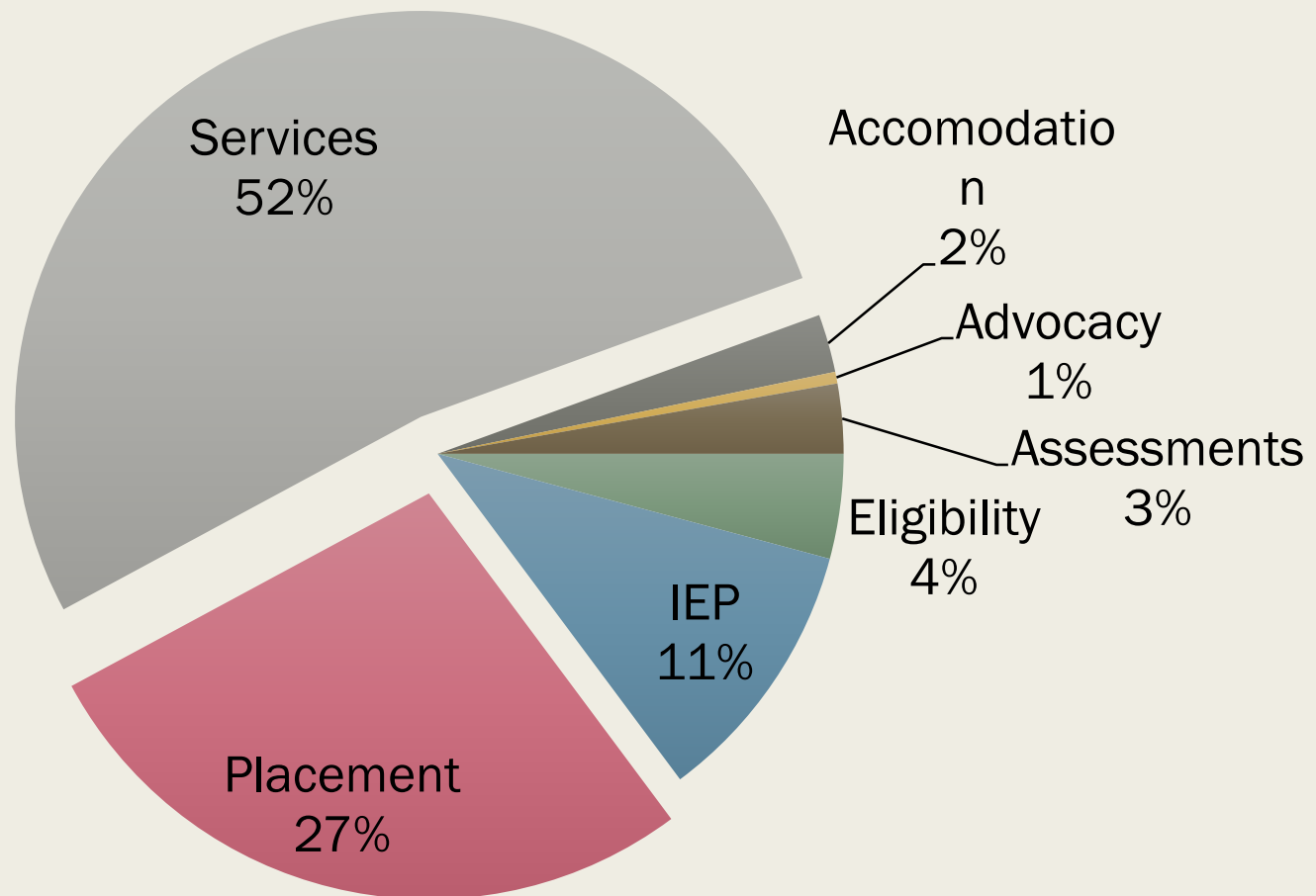
2016 - 2017

Serving Diverse Clients: Disabilities



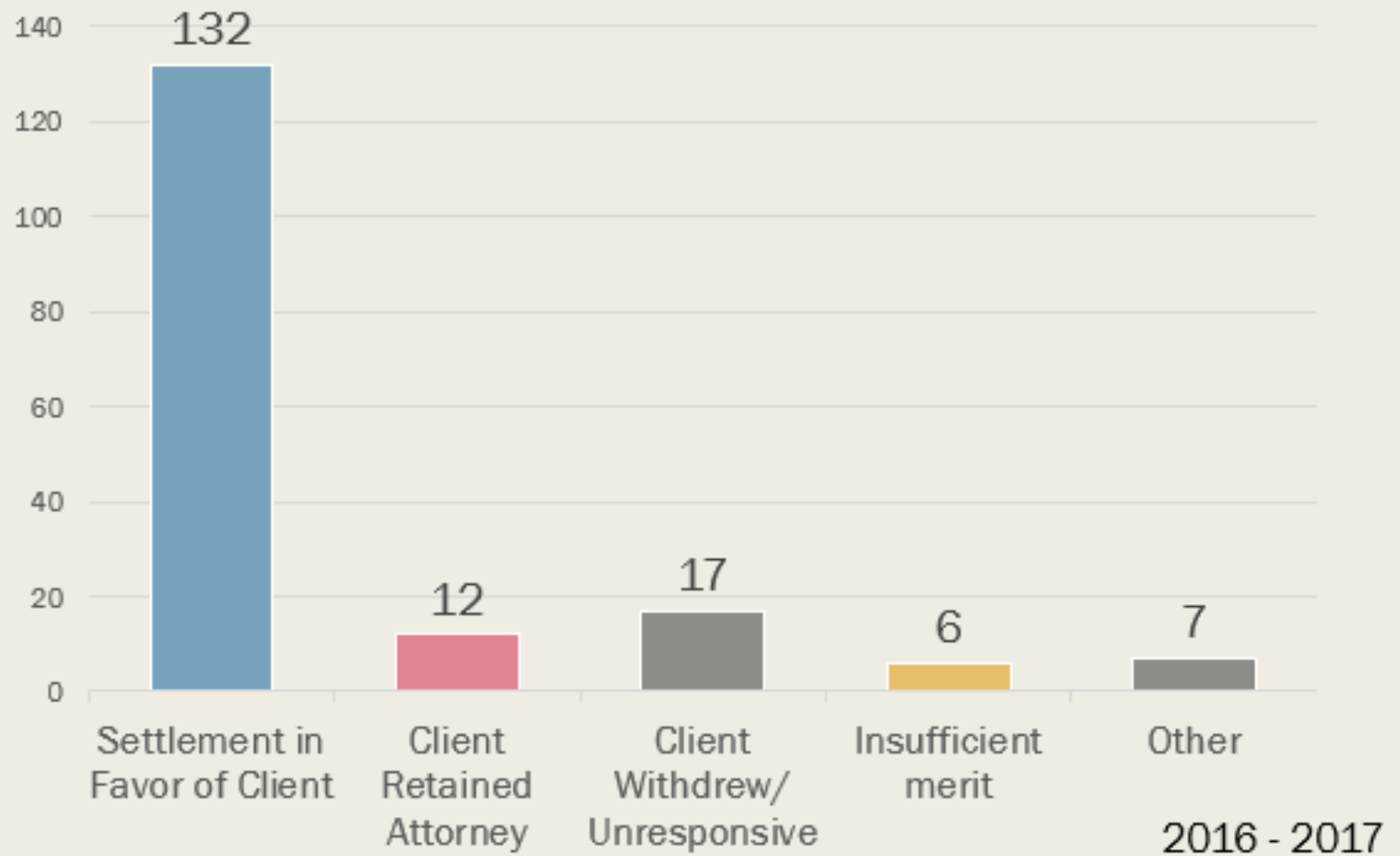
2016 - 2017

Reason for Referral



2016 - 2017

Case Resolution



Community Education

- Through the course of advocacy, the Law Clinic gives clients tools to use in future interactions with the District
- Law Clinic advocates present on a variety of topics to clients and their families, service coordinators, community leaders and related professionals
 - *Topics range from basic special education law rights and procedures to advocacy tips, bullying and understanding assessments*
- Advocates produce materials for future advocates, families, service coordinators and community members to reference

Community Education



Emily (UCLA), Stephanie (UC Hastings) and Alex (UCLA) present to families on the IEP process and legal protections

Community Education



Phillip (USC) and Heidi (Southwestern) co-present to a mono-lingual Spanish speaking audience about IEP supports and services.

Community Education



Rebecca, a former advocate, presents on transitioning to school services at age 3. Now an attorney, she received a grant from DDS to continue community outreach work with the goal of reducing disparity in accessing services.

Advocate Projects

- Paul Roberts (Pepperdine, 1996) and Jeanie Min (UCLA, 2016)
 - *Created and updated a bench manual for Childrens' court judges to meet the needs of students with disabilities in the dependency system*
- Rebecca Diddams (UCLA, 2013) and Alex Tracosas (UCLA, 2017)
 - *Will be presenting their research on meeting the needs of students with severe needs under Endrew at COPAA 2018 National Conference*



Summer 2017 advocates James, Victoria, Alex, Nick, Lindsay and Diana with former advocates Amanda Selogie and Vickie Brett who started their own thriving special education law firm.



Advocates from Spring 2015: Roxanna, Katie, Rebecca, Debra, Emily and Brittnee. Brittnee and Debra now work as Client Rights Advocates, Emily works in a private special education firm, and Rebecca continued with the Law Clinic as a staff attorney.

Resource



- Disability Rights California's Special Education Rights and Responsibilities Manual
- Written for parents in an accessible, question and answer format
- Exhaustive practice manual for California Special Education Law
- Includes citations to all relevant federal and state law
- Available in multiple languages

<http://www.disabilityrightscalifornia.org/publications/SERREnglish.htm>

There continues to be a positive, concrete improvement in education programs for many of the children served by the clinic. Student advocates find their work very meaningful and satisfying because they can often see immediate real life benefit due to their efforts.

The Lanterman Special Education Law Clinic has been a strong and stable entity since 1996. We greatly enjoy and appreciate the work we are doing with these exceptional law students and the wonderful children and families we serve and look forward to continuing this work with the Lanterman community in the coming years.



THANK YOU!

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Presentation prepared with the help of Rebecca Diddams, Esq.

