

2023 TAASE LEGAL CONFERENCE

Tennessee Association for Administrators in Special Education

Location: Music Road Hotel and Resort
303 Henderson Chapel Road
Pigeon Forge, TN. 37863

Dates: December 4-6, 2023

Keynote Speakers



Jan Tomsy

"2023: The Year in Review"

Monday, December 4, 2023



Dr. Perry Zirkel

**"The IDEA and Section 504:
Putting the Pieces Together Effectively"**

Tuesday, December 5, 2023



Charles "Chuck" Cagle

Discipline & Legislative Update

Wednesday, December 6, 2023

TAASE

Tennessee Association of Administrators of Special Education

34th Annual Legal Conference

Music Road Hotel

December 4,5,6, 2023

Monday, December 4, 2023

Registration- Convention Center Lobby

7:30 AM - 8:15 AM

Welcome & Opening Session- Orchestra Ballroom

8:15 AM - 8:30 AM

TAASE President- Sandy Baker- Welcome

TAASE App- Sarah Huffman

TAASE Cup Awards- TAASE Board Members

Sponsor of the Day- Allied Learning

8:30 AM - 9:00 AM

TDOE Update- Assistant Commissioner, Jennifer Jordan

Keynote Speaker- Jan Tomsy, Esq.- "2023: Year in Review"

9:00 AM - 11:30 AM

Lunch- (on your own)

11:30 AM - 1:00 PM

Breakout Sessions #1

1:00 PM - 2:15 PM

DOBRO Bill Wilson, Esq: "IEP Development and IEP Procedures"

HARP Debra Owen, Esq.- "Trauma Informed Care and Bullying: How they Impact Services and Eligibility for Students with Disabilities"

UKULELE TDOE: Dr. April Ebinger- "504, Requirements and Responsibilities"

VIOLIN Scott Bennett- "How to Legally Handle Students with Explosive Behaviors"

GUITAR Caitlin Burchett- "Preparing for Title IX Investigation"

Break- Coffee /Soft Drinks/ Snacks

2:15 PM - 2:45 PM

Breakout Sessions #2

2:45 PM - 4:00 PM

DOBRO Jan Tomsy, Esq.- "Responding to Parents' Methodology Requests"

HARP TDOE: Taylor Jenkins, Esq.- "The IEE Responsibilities"

UKULELE Chris McCarty, Esq.- "When your 504 plan becomes political"

VIOLIN Katherine Kimmell, Esq.- "The Promises & Pitfalls of Data-Driven Decision-Making in Special Education"

GUITAR Deanna Arivett, Esq.- "What is Due Process... Really? The Preparation, Hearing and After"

Evening Reception

Hosted by Allied Instructional: Convention Center

5:00 PM - 6:30 PM

Tuesday, December 5, 2023

Breakout Sessions #1

8:15 AM - 9:30 AM

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| <i>DOBRO</i> | Perry Zirkel, Esq.- "Section 504 Student Issues: what Special Education Leaders need to Know" |
| <i>HARP</i> | Chris McCarty, Esq.- "IDEA Trivia" |
| <i>UKULELE</i> | Scott Bennett, Esq.- "Legal Aspects to Student Bullying" |
| <i>VIOLIN</i> | Deanna Arivett, Esq.- "All things ABA: Obligations to Provide FAPE" |
| <i>GUITAR</i> | TDOE: Taylor Jenkins, Esq., "Parental Rights Under FERPA" |

Break- Coffee /Soft Drinks/ Snacks

9:30 AM - 10:15 AM

Keynote Speaker

10:15 AM - 12:00 PM

Perry Zirkel, Esq.- "The IDEA and Section 504: Putting the Pieces Together Effectively"

Lunch- (on your own)

12:00 PM - 1:30 PM

Sponsor of the Day- Goal Book

1:30 PM - 1:40 PM

Ask the Attorneys- Orchestra Ballroom

1:45 PM- 3:30 PM

Attorneys from the TAASE conference will answer questions from the audience concerning current legal trends in special education.

Facilitator: Debbie McAdams, TAASE Legislative Chairperson

Wednesday, December 6, 2023

TAASE Board Meeting: Orchestra Ballroom- (Full Board)

8:30 AM - 9:00 AM

Election of Officers: Sergeant at Arms, Parliamentarian, Secretary, Transition of Officers

Sponsor of the Day: Maxim

9:00 AM – 9:10 AM

Chuck Cagle, Esq. - Discipline of SWDs

9:15 AM - 11:00 AM

Closing Remarks- TASL Information and Certificates of Attendance

11:00 AM - 11:30 AM

TAASE Fall Legal Conference 2023 Presenters



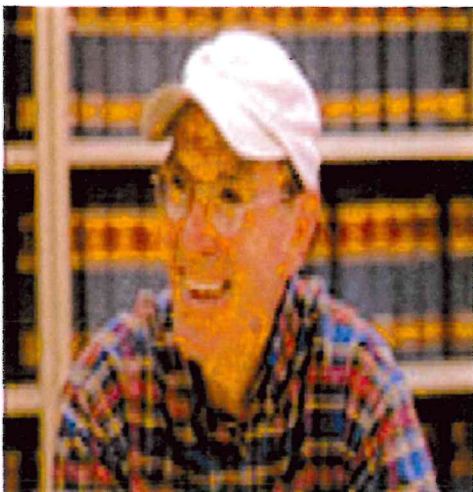
Jan Tomskey, nationally recognized for her expertise in special education law and deep well of knowledge is steadfastly committed to her clients. She advises them on the most difficult circumstances and achieves the best outcomes possible. Jan represents school districts in mediations, due process hearings and litigation in state and federal courts and the Ninth Circuit Court of Appeals. Bringing a rare combination of persuasion and finesse, she advocates for clients in disputes that often involve the most sensitive issues.

Clients turn to Jan for help in defending their decisions on appeal to county boards and in court, primarily because of her history of success and ability to cultivate and maintain relationships with all parties involved in a dispute.

Jan counsels' clients on such student-related issues as cyber misconduct, social media, technology and many other matters. In addition, she is certified as a trainer of trainers in Interest-Based Bargaining. Jan has also earned a highly regarded reputation for designing and delivering workshops for individual districts, which are specifically tailored to address their needs.

Frequently invited to present at public speaking engagements by prestigious education organizations throughout the country, Jan uses her gifted and natural presentation skills to captivate, inform and entertain audiences. Her speeches are always very well-received. At one recent conference, for example, audience members provided written feedback for her presentation, which was rated as "Excellent" according to the organization's metrics. "Jan was amazing. The information she shared was valuable and applicable," wrote one attendee. Another audience member described her speech as "incredibly done. Great analysis, humor and timing from a great speaker." And yet another said, "Outstanding presentation with up-to-date case law."

A strong writer, Jan is the author or co-author of publications that are considered essential to special education professionals. They include *Personal Liability for IDEA Violations: Where the Courts Stand*; *The Administrator's Guide to Building and Maintaining a Comprehensive Autism Program*; and *IDEA Due Process Survival Guide: A Step-by-step Companion for Administrators and Attorneys*.



Dr. Perry A. Zirkel is university professor emeritus of education and law at Lehigh University, where he formerly was dean of the College of Education, subsequently held the Iacocca Chair in Education for its five-year term. He has a Ph.D. in Educational Administration and a J.D. from the University of Connecticut, and a Master of Laws degree from Yale University. He has done presentations in every state in the U.S. He has also written more than 1,700 publications on various aspects of school law, with an emphasis on legal issues in special education. He writes a regular column for *Exceptionality* journal and NASP's *Communiqué* newsletter, and he did so previously for *Phi Delta Kappa*, *Teaching Exceptional Children*, and NAESP's *Principal* magazine. Past president of the Education Law Association and co-chair of the Pennsylvania special education appeals panel from 1990 to 2007, he is the author of the CEC monograph *The Legal Meaning of Specific Learning Disability*; the more recently published books, *A Digest of Supreme Court Decisions Affecting Education* and *Student Teaching and the Law*; and the two-volume reference *Section 504, the ADA and the Schools*. In 2012, he received the Research into Practice Award from the American Educational Research Association (AERA) and the Excellence in Research Award from AERA's Division A (Administration, Organization & Leadership). In 2013, he received the University Council for Educational Administration's Edwin Bridges award for significant contributions to the preparation and development of school leaders. In 2016, he received the Education Law Association's Steven S. Goldberg Award for Distinguished Scholarship in Education Law. In 2017 he received the Council for Exceptional Children's Special Education Research Award. In 2021, he received the President's Award for Excellence from the National Association of School Psychologists. He co-directed the one-week Lehigh Special Education Law Symposium from 2003 to 2022. Finally, he provides a monthly special education legal update and share his publications via his website, perryzirkel.com.



Charles W. (Chuck) Cagle is a shareholder and chair of the Education Law and Government Relations Practice Group for the firm's Nashville office. He oversees the firm's representation of over 70 public boards of education, two private schools, two private universities, and a private medical school in a variety of legal matters including employment issues related to both licensed and classified employees, employee and student discipline, employee and student rights, special education and disability accommodation, constitutional rights issues, sexual harassment and bullying issues, civil rights, desegregation, school system consolidation, tort liability, school system business practices, school funding, taxation, and school construction.

Mr. Cagle also is a registered lobbyist with the Tennessee Bureau of Ethics and Campaign Finance. His list of lobbying clients has included school superintendents, school employee professional organizations, school boards, private schools, and private universities. In addition, Mr. Cagle serves as an adjunct professor at Vanderbilt University teaching courses in K-12 Education Law and Public Policy and the Law of Higher Education.



D. Scott Bennett, Esq. has represented school boards, other local governments, police officers, and private employers for almost 30 years. After practicing in a regional litigation firm for most of his career, Mr. Bennett concluded that clients need, and deserve, a more personal connection with their attorney. Ms. DeCamp and he have built Bennett & DeCamp around the purpose of providing high quality, personally focused legal representation to value conscious community leaders and businesses.

Mr. Bennett focuses heavily on the needs of local school systems, their employers, and students. His practice includes every aspect of the diverse area, including employment, discrimination and equity issue, contracts and vendor relations, policy development, student discipline, bullying and harassment, risk management, first amendment issues, tort claims, governance issues, internal investigations, and the like. Mr. Bennett also focuses on IDEA law, ADA, ADEA, FLSA, THRA, Title II and VII, and 504 cases.



Bill Wilson is an attorney in private practice in Nashville, Tennessee. He is a graduate of the University of Tennessee at Martin (B.S. 1986) and the Nashville School of Law (J.D. 1992). Upon being admitted to the bar, he engaged in the private practice of law in Nashville. In 2003 he was named General Legal Counsel to the Tennessee State Board of Education, where he provided legal advice to the board and staff, wrote state teacher licensing regulations and prosecuted teacher license revocation proceedings. In 2004 he was named Assistant General Counsel for Special Education for the Tennessee Department of Education, a position he held until retirement in 2018. During his tenure with the department, he served as legal counsel to the Tennessee Advisory Council for the Education of Students with Disabilities, a panel appointed by the governor to encourage appropriate and legally compliant educational services for children with disabilities in public schools. He provided legal advice and opinions to department leadership and staff. He wrote legislation, policies and regulations, and testified before the Tennessee General Assembly and state board of education concerning special education legislation, policies and regulations and reviewed over one thousand written complaints from parents alleging violations of special education laws. He represented the department in special education administrative due process hearings and worked closely with the state attorney general concerning ongoing special education litigation in the federal courts. Most significantly, he worked daily with special education administrators and educators across Tennessee, providing insightful guidance to every school district in the state. In respect of his service to school districts, he was awarded the 2016 Tennessee Association of Administrators of Special Education Cup. The TAASE Cup is awarded annually by the TAASE board to an individual who has demonstrated outstanding service and dedication to educating children with disabilities across Tennessee. He is frequently sought as a speaker, sharing his experience and knowledge of special education law and procedure with school administrators and educators at state level conferences and in individual school district.



Deanna Arivett, Esq. consults with clients on day-to-day legal matters and represents clients in litigation at both the administrative and federal court levels. In addition to legal representation, Deanna also enjoys providing professional development to school district staff at national conferences, state conferences, and at the local school level.

Deanna has a valuable combination of professional background and passion for supporting school systems that allows her to understand and represent the unique needs of school systems. Prior to her legal career, Deanna obtained a Master's of Arts degree and an Educational Specialist Degree in the field of school psychology from Middle Tennessee State University. Deanna then practiced for six years as a nationally certified school psychologist in public schools in both Tennessee and Ohio. Deanna's experience as a school psychologist has provided her with a unique insight and knowledge of the challenges faced by today's school personnel.

Furthering her education, Deanna graduated magna cum laude with a Juris Doctorate from the University of Dayton School of Law. Deanna was the executive publication editor for the University's law review and published a comment on the use of restraints in public schools. While obtaining her legal degree, Deanna clerked for an Ohio law firm that represented over a hundred public school districts. Deanna worked on a number of legal issues faced by school systems, including special education, Section 504, ADA, general education, student discipline, employment law, and board policy. Under an Ohio intern's license, Deanna also obtained courtroom experience through her externship with an Ohio prosecutor's office.

Upon completion of her legal degree, Deanna went into private practice as an attorney with the Law Office of Melinda Jacobs PLLC (LOMJ). As an attorney with LOMJ, Deanna was mentored by a renowned special education attorney, Melinda Jacobs, and gained experience in consultation, trial preparation, litigation, and professional development in the legal areas of IDEA and Section 504. These experiences have prepared Deanna to provide unparalleled services to her clients.



Chris W. McCarty, a shareholder in our Knoxville office, practices in the areas of employment law, education law and civil litigation. Mr. McCarty handles matters before state and federal courts throughout Tennessee. Mr. McCarty is also a trained arbitrator, and is listed as a Rule 31 mediator by the Tennessee Supreme Court Alternative Dispute Resolution Committee. Mr. McCarty also presents on employment and education law topics. His articles on those topics have been seen in numerous publications, including HR Magazine, the Tennessee Bar Journal and the Knoxville Business Journal. Mr. McCarty is approved as a member of the American Arbitration Association's (AAA) Panel of Employment Arbitrators.

AFFILIATIONS

- Federation of Defense & Corporate Counsel
- DRI – Employment & Labor Law Committee
- Society for Human Resource Management
- American Bar Association
- Knoxville Bar Association
- Tennessee Bar Association
- National School Boards Association Council of School Attorney

Following college, Mr. McCarty spent two years teaching eighth grade United States history at Seymour Middle School in Seymour, Tennessee. He now lives in the Concord area with his wife and their three children, and is actively involved with his church, Cedar Springs Presbyterian.



Katherine Kimmel is an associate in the firm's Nashville office where she focuses her practice on Education Law. Prior to joining the firm, Katherine directed state and federal policy for a trade association of child care businesses. She also has experience providing policy analysis in the areas of orthotics and prosthetics, rehabilitative services, early childhood home visiting, and Head Start.

Katherine is a graduate of the University of Mississippi School of Law where she served as an Associate Cases Editor for the Mississippi Law Journal. During law school, Katherine worked as a research assistant for Professor William Berry and served as a student attorney for the Child Advocacy Clinic.

Katherine spends most of her free time with her husband and young daughter. As a recent Nashville transplant, she enjoys exploring new restaurants and taking advantage of the many beautiful local parks.



Debra D. Owen joined the firm now known as *Jackson, Shields, Yeiser, Holt, Owen & Bryant* after serving seven years as staff attorney for the Jackson-Madison County School System. Prior to becoming a licensed attorney, she served twenty-eight years as a secondary classroom teacher in that same school system. The primary focus of her current legal practice is school law, but she also represents clients in employment law matters. She is an experienced trainer/presenter and enjoys working with clients to utilize training and other initiatives to avoid becoming mired in litigation or other legal disputes. Debra is also a Tennessee Rule 31 listed civil and family mediator.

Debra graduated with honors from Union University, holds two graduate degrees, with honors, from Memphis State University (now University of Memphis), and earned her Doctor of Jurisprudence degree, with honors, in 2001 from the Nashville School of Law. Ms. Owen is a member of the Howell Edmunds Jackson American Inn of Court, the Madison County and Tennessee Bar Associations, NSBA Council of School Attorneys, Tennessee Council of School Board Attorneys, Lawyer's Association for Women and Jackson Area Business and Professional Women.

Debra and her husband enjoy activities with family and friends and participate actively in the ministries of First United Methodist – Downtown Jackson. They enjoy day trips and vacations, especially when they can enjoy being outdoors, and they try to visit zoos, aquariums and animal sanctuaries whenever possible.



Caitlin C. Burchette is an associate in the firm's Knoxville office where she focuses her practice on education law, employment law, civil litigation, and insurance defense. She also has an extensive background in governmental entity defense, civil rights litigation, and appellate work.

Caitlin is a graduate of the University of South Carolina School of Law. While in law school, she served as a member of the Pro Bono Board and was an Articles Editor on the ABA Real Property, Trust, and Estate Law Journal. Caitlin is admitted to practice in all state courts in Tennessee, as well as the Eastern and Middle Districts of Tennessee, the Sixth Circuit Court of Appeals, and the U.S. Supreme Court.

AFFILIATIONS

- American Bar Association
- Knoxville Bar Association
- Tennessee Bar Association

PROFESSIONAL HONORS AND ACTIVITIES

- Included in the *Best Lawyers: Ones to Watch in America*™ for her work in Appellate Practice, Civil Rights Law, Government Relations Practice, and Personal Injury Litigation – Defendants



Taylor Jenkins is a Staff Attorney in the Tennessee Department of Education Office of General Counsel. He primarily focuses on issues involving special education and litigation. Prior to joining the Department, Taylor worked in the Education and Employment Division of the Office of the Tennessee Attorney General, where he represented state agencies, departments, and universities in federal and state court, including the Department in multiple IDEA lawsuits. Taylor graduated from Duke University in 2012 and Vanderbilt University Law School in 2015.



Dr. Jennifer Jordan is the Assistant Commissioner of Special Education and Intervention Programs with the Tennessee Department of Education. Before her appointment to the assistant commissioner in October 2021, Dr. Jordan served as the Senior Director of Instruction and Intervention with the department.

Prior to joining the department, Dr. Jordan's professional career spanned 33-years as a special education teacher, instructional coach, behavior consultant, school psychologist, literacy consultant, and district leader with the Lauderdale County School District. Dr. Jordan has twenty years' experience at the district level as Director of Special Education and Director of Literacy and Instructional Interventions (K-12). Dr. Jordan has served as adjunct professor at Union University in special education as well as presented at the district, state and national levels in the areas of literacy, high-quality instructional materials, and special education.

Dr. Jordan holds a master's degree in Special Education, an educational specialist degree in School Psychology, and a doctorate in Literacy and Reading.



Dr. April Ebbinger, a Nationally Certified School Psychologist, is the Director of School Psychology Services for the Tennessee Department of Education. Dr. Ebbinger has experience as a classroom teacher, school psychologist, district administrator, and higher education faculty. She has authored multiple journal articles and presented at state and national conferences. Dr. Ebbinger serves on the Board of the Tennessee Association of School Psychologists and was the 2020 Tennessee School Psychologist of the Year. In her free time, Dr. Ebbinger enjoys running with her dog, Daisy Mae, reading historical fiction, and cruising the Caribbean.