



Working with a Special Education Attorney 101

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Hogan Law Firm, LLC



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Special Education Processes + Procedural Safeguards

This guide was developed by the **Louisiana** Department of Education to help parents navigate the complex system that oversees special education in **Louisiana's** ...

People also ask

What is an example of a procedural safeguard?



What are procedural safeguards idea?



What is the difference between due process and procedural safeguards?



What is LaPTIC?



Feedback

Definitions and Acronyms

If, at any time, you see or hear words or acronyms that you do not understand, ask school staff to explain them right away. As an equal partner in planning, you must understand all the information you read or hear so you can help decide what is best for your child. This guide includes some of the terms and acronyms you may hear throughout the special education process.

Accommodations: Changes made in how your child is taught or tested based on his or her disability needs. Accommodations do not change what your child is taught or what your child is expected to know. Highlighted textbooks, more time to complete work when your child reads or writes slowly, and seating close to the teacher are all common accommodations. These accommodations could include instructional materials to help your child access textbooks or other curriculum.

Adapted Physical Education (APE): Physical education which has been adapted or modified so that it is as appropriate for a child with a disability as it is for a child without a disability.

Advocate: An attorney or non-attorney with specialized knowledge or skill in helping parents and students resolve problems with schools. Parents are their child's first and often most effective advocates.

Alternative Education Placement (AEPs): Disciplinary programs operated by school districts for students who have committed a range of offenses listed in state law and/or in the LEA's Student Code of Conduct.

Assessment: Assessments are tests given to all students. Students with disabilities may need accommodations which will be written in the IEP. Certain students may need an alternate assessment when they can not participate in regular assessments, even with accommodations.

Assistive Technology (AT): Any items, pieces of equipment or products used to increase, maintain, or improve the way your child functions. Assistive technology devices for students with disabilities may be used to assist with seating and positioning, mobility, communication, computer access and instruction, and self-care.

Behavior Intervention Plan (BIP) or Behavior Support Plan (BSP): Lists supports and services the LEA will give your child to increase positive behavior and to reduce the impact of negative behavior on learning.

“The reauthorized Individuals with Disabilities Act of 2004 is confusing to most parents, educators, related service providers, and even to many advocates and attorneys. Ignorance of the law can be as damaging as the child’s disability.”

- Wrightslaw: Special Education Law 2nd Edition



Become **I**NFORMED.

Informed parents are more **E**MPOWERED.

Empowered parents can expect **P**ROGRESSION.



Advocates

Assist parents of students with disabilities in navigating the complex special education system



- Often help obtain educational services students need
- May or may not charge fees for their services
- Should be familiar with local service providers, evaluators, attorneys, and local school districts and the options they offer, and local customs
- No certification authority exists to certify advocates in Louisiana
- Nonlawyer advocates do not have a license to practice law and should understand their professional limits
- Should help parents recognize when you should seek an attorney's services



How to choose an advocate

Step 1: ASK THE RIGHT QUESTIONS

Step 2: BE AWARE OF THE WARNING SIGNS



WARNING SIGNS

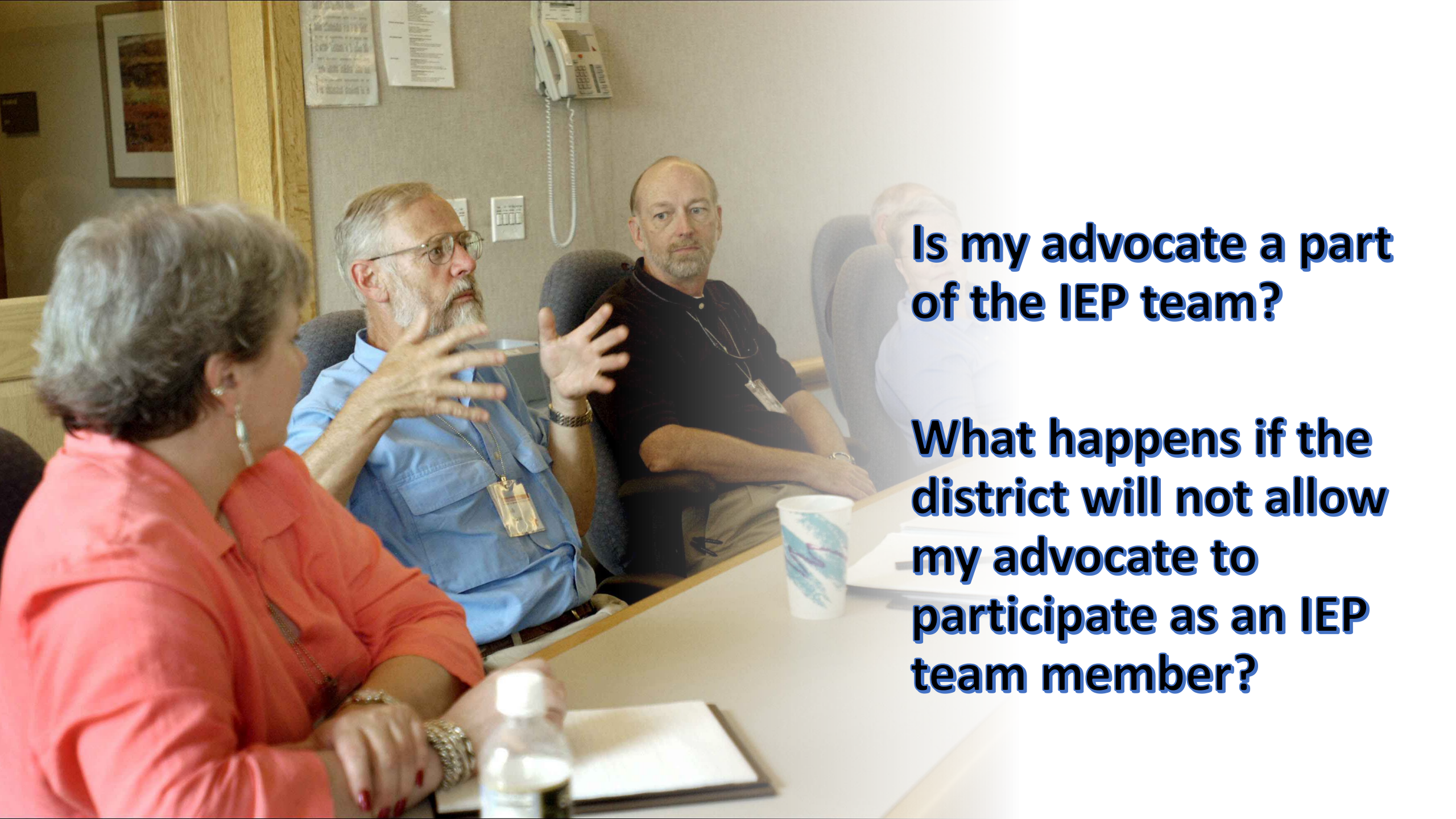
Be careful of advocates who

- Make threats, name call, or insult
- Make specific promises
- Focus discussion on himself/herself
- Encourage you to withhold information
- Shut down home/school communication
- Advocates who want to copy and paste information from their child or another child's IEP into your child's IEP



When do I need to bring an
advocate to an IEP meeting?





Is my advocate a part of the IEP team?

What happens if the district will not allow my advocate to participate as an IEP team member?

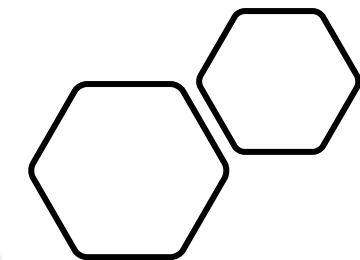
§321. IEP Team

A. The public agency shall ensure that the IEP Team for each student with a disability includes:

1. one or both of the parents of the student;
2. not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. an officially designated representative of the public agency who:
 - a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - b. is knowledgeable about the general education curriculum; and
 - c. is knowledgeable about the availability of resources of the public agency;
5. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in Paragraphs A.2 through A.6 of this Section;
6. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate; and
7. whenever appropriate, the student with a disability.


B. Transition Services Participants

1. In accordance with Paragraph A.7 of this Section, the public agency shall invite a student with a disability to attend the student's IEP



Louisiana Bulletin 1706 §321

How do I find an advocate

- Word of mouth
- COPAA directory
-  Louisiana Procedural Safeguards Booklet
 - Families Helping Families
- Pyramid Community Parent Resource Center
- Family member/neighbor/another parent

Further Information

If after reading this guide you would like more information about special education or you have questions about your child's education, you may contact your child's teacher, the school principal, or your LEA's Special Education Director. In addition, you may call the Louisiana Department of Education's toll free number 1-877-453-2721 or email specialeducation@la.gov.

The Families Helping Families Regional Resource Centers are also available to assist you.

FHF of Southeast Louisiana

Region I - serving parishes of Orleans, Plaquemines, and St. Bernard
Alisha Johnson, Executive Director
7240 Crowder Blvd., Suite 202
New Orleans, LA 70127
504-943-0343 or 1-877-243-7352 • 504-940-3242 Fax
Email: info@fhfseola.org
Website: www.fhfseola.org

FHF of Greater Baton Rouge

Region II - serving parishes of East and West Baton Rouge, East and West Feliciana, Iberville, Pointe Coupee, and Ascension
Jamie Tindie, Executive Director
2356 Orusilla Lane
Baton Rouge, Louisiana 70809
225-216-7474 or 1-866-216-7474 • 225-216-7977 Fax
Email: info@fhfgbr.org
Website: www.fhfgbr.org

Bayou Land FHF

Region III - serving parishes of Assumption, Lafourche, St. Charles, St. James, St. John, St. Mary, and Terrebonne
Rhiannon Traige, Executive Director
284 Hwy. 3185
Thibodaux, LA 70301
985-447-4461 or 1-800-331-5570 • 985-447-7988 Fax
Email: blfhf@belsouth.net
Website: www.blfhf.org

FHF of Acadiana

Region IV - serving parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion
Mauricia Walters, Interim Executive Director
100 Benman Road
Lafayette, Louisiana 70506
337-984-3458 or 1-800-378-9854 • 337-984-3468 Fax
Email: mwalters@fhfacadiana.org
Website: www.fhfacadiana.org

FHF of Southwest Louisiana

Region V - serving parishes of Allen, Beauregard, Calcasieu, Cameron, and Jeff Davis
Susan Riehn, Executive Director
2927 Hodges Street
Lake Charles, Louisiana 70601
337-436-2570 or 1-800-896-6558 • 337-436-2578 Fax
Email: info@fhfswla.org
Website: www.fhfswla.org

FHF at the Crossroads

Region VI - serving parishes of Avoyelles, Concordia, Catahoula, Grant, LaSalle, Rapides, Vernon and Winn
Jim Sprinkle, Executive Director
2840 Military Hwy., Suite A
Pineville, Louisiana 71360
318-641-7373 or 1-800-259-7200 • 318-640-4299 Fax
Email: fhfroads@aol.com
Website: www.familieshelpingfamilies.net

FHF Region 7

Region VII - serving parishes of Bienville, Bossier, Caddo, Claiborne, Desoto, Lincoln, Red River, Natchitoches, Sabine, and Webster
Chanel Jackson, Executive Director
2620 Centenary Blvd. Bldg. 2, Suite 250
Shreveport, Louisiana 71106
318-226-4541 or 1-877-226-4541 • 318-226-4541 Fax
Email: info@fhfregion7.com
Website: www.fhfregion7.com

FHF of Northeast Louisiana

Region VIII - serving parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll
Alicia Banks, Executive Director
Laura Nettles, Co-Director
5200 Northeast Road
Monroe, Louisiana 71203
318-361-0487 or 1-888-300-1320 • 318-361-0417 Fax
Email: info@fhfnela.org
Website: www.fhfnela.org

Northshore FHF

Region IX - serving parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, Washington
Sue Ellen Stewart, Executive Director
204 West 21st Avenue
Covington, Louisiana 70433
985-875-0511 or 1-800-383-8700 • 985-875-9979 Fax
Email: info@fhfnorthshore.org
Website: www.fhfnorthshore.org

FHF Jefferson

Region X - serving Jefferson Parish
Mary Jacob, Executive Director
201 Evans Road, Bldg. 1, Suite 100
Harahan, Louisiana 70123
504-888-9111 or 1-800-766-7736 • 504-888-0246 Fax
Email: info@fhjjefferson.org
Website: www.fhjjefferson.org





Special Education Attorney

WHO is a Special Education Attorney



- Licensed legal professional who focuses on special education cases
- Attorney familiar with state's school systems and federal and state special education laws and regulations
- May be in private practice or in public sector agency
- May or may not charge a fee to parents
- A person who can help level the playing field for parents

WHAT does a Special Education Attorney do



- Help with communication between parent and school district
- Get services implemented or restored
- Provide encouragement to parent or advocate
- Provide resources to parent or advocate
- Draft complaints or appeal letters
- Represent parents or students with disabilities in IEP meetings, mediations, Manifestation Determination Reviews (MDR), or Due Process Hearings

WHEN should I consider a Special Education Attorney



- Don't know your rights
- You face barriers to asserting your rights
- Your rights are not being respected
- You disagree with the services your child is receiving
- You have exhausted all other avenues of resolution
- You have a complex case

WHERE do I find a Special Education Attorney



- Word of mouth
- COPAA Directory
- www.theieplawyer.com





HOW to choose a Special Education Attorney

Step 1: ASK THE RIGHT QUESTIONS

Step 2: BE AWARE OF THE WARNING SIGNS

Top questions to ask Special Education Attorney

1. What types of cases do you generally handle and what percentage of your practice is dedicated to special education law?
2. How many cases have you represented that were similar to mine?
3. What are your attorney fees and costs, and how are they billed?
4. What is your philosophy to representing a case?
5. How will you let me know what's happening with my case?
6. Do you charge for consultations?
7. Will I be expected to take part in the case?
8. Do you practice law in my area?
9. Are there other ways for solving my legal problem?



Top questions to ask
YOURSELF about working with
a Special Education Attorney

1. Will I be comfortable working closely with this person?
2. Am I confident that this attorney has the experience and skill to handle my case?
3. Do I understand the attorney's explanation of what my case involves?
4. Do I understand the proposed fee agreement?





WARNING SIGNS

Be careful of attorneys who

- Are not specially trained in special education law
- Exploit parents' emotions
- Focus discussion on himself/herself
- Do not encourage parents to make final decisions

When do I need to bring an attorney to an IEP meeting?





Are attorneys IEP Team members?

What is it like working with www.theieplawyer.com



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Attorney Kimona Hogan

- Born and raised in Jacksonville, NC
- Resided in Charlotte, NC for a decade before relocating to Louisiana to attend law school

Education and training

- Coastal Carolina Community College
- Southern University Law Center
- Council of Parent Attorneys and Advocates Special Education Law & Related Services Training for Attorneys
- William & Mary Law Institute of Special Education Advocacy

Bar admission

- Louisiana

Professional and civic engagement

- Louisiana State Bar Association
- Louis A. Martinet Legal Society, Inc., Baton Rouge Chapter
- Presenter at National Allies for Parents in Special Education 2020 Virtual Conference

Strengthfinders 2.0 Talent Themes

- Harmony
- Consistency
- Developer
- Relator
- Belief

RESOURCES

National Resource

COPAA – Council of Parent Attorneys & Advocates

www.copaa.org

***Scholarships are available**

***Free parent training**

***USE THE DIRECTORY TO SEARCH FOR ADVOCATES OR ATTORNEYS**

Louisiana Resources

Local parent training center

- **Families Helping Families**
- **Pyramid Community Parent Resource Center**

Advocacy Group/ Advocate

Attorney



www.theieplawyer.com

Presented by:
Attorney Kimona Hogan
of
Hogan Law Firm, LLC



Using the gift of skilled advocacy to serve our Families, with
grace and by Grace

Our home office is located in Denham Springs, La.