The abbreviations in the various case blurbs (with PA-specific acronyms highlighted) include:

- BIP = behavior intervention plan
- CIC = clean intermittent catheterization
- ED = emotional disturbance
- ER = evaluation report
- ESY = extended school year
- FAPE = free appropriate public education
- FBA = functional behavioral assessment
- IEE = independent educational evaluation
- IEP = individualized education program
- IHO = impartial hearing officer
- LRE = least restrictive environment
- M-D = manifestation determination
- MDT = multi-disciplinary team
- NOREP = notice of recommended educational placement
- PDE = Pennsylvania Department of Education
- pro se = proceeding w/o attorney representation
- RTI = response to intervention
- RR = reevaluation report
- SEA = state education agency
Circles:
Birds’ eye view (from above): the fraternal twins of Sec. 504 and the ADA have broader coverage that includes but is not limited to that of the IDEA.

Blocks:
Lateral view: the “cooperative federalism”\(^1\) allows state law to exceed, but preempts them from being lower than, the national minimum requirements of the IDEA and Sec. 504/ADA.

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1.0 Federal legislation and regulations

1.1 Individuals with Disabilities Education Act (“IDEA”)

- 2004 legislation + 2006 regulations + 2008 amended regulations
- child find: collective + individual
- eligibility (2-pronged definition of disability)
  - initial evaluation, reevaluation, and IEE
- IEP: FAPE + related services + LRE
  - assistive technology services and devices
  - ESY
  - transition services
- IHO → judicial appeal
  - one or two tiers → concurrent jurisdiction
  - exhaustion doctrine
  - resolution session
  - “stay-put” (or status quo) provision
  - remedies: tuition reimbursement and compensatory education
  - attorneys’ fees + nonexclusivity
- discipline: M-D and FBA/BIP

1.2 Section 504 of the Rehabilitation Act (“Sec. 504”)

- disability: 1) a mental or physical impairment that limits 2) a major life activity 3) substantially
- FAPE: special or regular education and related services that provide commensurate opportunity

1.3 Americans with Disabilities Act (“ADA”)

1.4 ADA Amendments Act (“ADAAA”)

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2 Formerly called EHA, EAHCA, and P.L. 94-142.
2.0 State regulations - Pennsylvania

2.1 Chapter 14 – corresponds to IDEA – effective 7/1/08

2.11 Limited additions based on federal law, including:

- NCLB standard for paraprofessionals – deadline 2010
- IDEA choice of permitting both severe discrepancy and RTI
- deadline of 60 calendar days for ER (except summer)
- deadline of 14 days for implementing IEP
- new case loads based on level of service
- retained age of 14 for transition plan
- expedited (i.e., by 2/28/08) ESY determination for severe disabilities
- refined provisions for restraints (e.g., definition, IEP meetings, parental consent, face-down prone, injuries requiring medical treatment)
- eliminated second tier (i.e., appeals panel)

2.2 Chapter 15 – corresponds to § 504 (and the ADA) for students – unchanged

2.21 Adds category of “protected handicapped students”

2.22 Requires service agreement, with related services and reasonable accommodations

2.23 Includes procedural safeguards, including due process hearing

2.3 Chapter 16 – specific to gifted students under state legislation for “exceptional” children – effective 7/1/08

2.31 Includes clarified GIEP procedures

2.32 Includes revised case load requirements

2.33 Includes on-site compliance monitoring

2.34 Does not change substantive standard for FAPE and lack of attorneys’ fees for prevailing parents
3.0 Supreme Court case law

3.1 Davis (1979) - “otherwise qualified” (Sec. 504)
3.2 Rowley (1982) - FAPE (“appropriate” education)
3.3 Tatro (1984) - related services (CIC)
3.4 Burlington (1985) - tuition reimbursement (3-step test)
3.5 Arline (1987) - “handicapped” (Sec. 504)
3.6 Honig (1988) - dangerousness exception to “stay-put”
3.7 Zobrest (1993) - parochial schools
3.8 Florence County v. Carter (1993) - tuition reimbursement (second step)
3.9 Garret F. (1999) - related v. medical services
3.10 Sutton (1999) and Toyota (2002) – “disability” under Sec. 504 and ADA
3.11 Schaffer (2005) – burden of proof
3.13 Winkelman (2007) – parents right to proceed pro se in federal court
3.14 Forest Grove (2009) – tuition reimbursement when no prior sp. ed. enrollment

4.0 Legal forums for complaints or cases

4.1 school district’s Sec. 504/ADA coordinator and grievance procedure

4.2 PDE’s Division of Compliance - tel. 717/783-6913
   http://www.portal.state.pa.us/portal/server.pt/community/special_education/7465

4.3 impartial hearing officers - Office for Dispute Resolution (tel. 800/222-3353)
   http://odr-pa.org/

4.4 U.S. Dep’t of Ed’s Office for Civil Rights (“OCR”) - tel. 215/656-8541
   https://wdcrobc01.ep.gov/CFAPPS/OCR/contactus.cfm

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3 Other pertinent Supreme Court cases, which were legislatively reversed, were Smith v. Robinson (1984)(attorneys’ fees and exclusivity) and Dellmuth v. Muth (1989)(11th Amendment immunity). This list also does not include the recent 4x4 ruling in Tom F. (2007) because it did not establish a national precedent, and Forest Grove (2009) resolved its issue. See attached article for summary of the major decisions prior to the last two.

4 See also Kiryas Joel (1994).

5 Reversed by the ADAAA.

6 Also CONSULTLINE (800/879-2301) and, for infants and toddlers, CONNECT Information Service (800/692-7288).