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 \(\rightarrow\) judicial appeal
  - one or two tiers \(\rightarrow\) 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*6
  [http://www.portal.state.pa.us/portal/server.pt/community/special_education/7465](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)

4.4 U.S. Dep’t of Ed’s Office for Civil Rights (“OCR”) - tel. 215/656-8541
  [https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm](https://wdcrobcolp01.ed.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).