

EDUCATION LAW

Few issues ignite parents' activism more than their child's education. Our Education Law attorneys provide parents with the help, guidance and legal means to ensure that their children have the education and services they deserve, from preschool through the college years.

As staunch and experienced child advocates, we ensure that school districts comply with education laws and regulations, provide appropriate educational services with typical peers to the maximum extent possible and make needed accommodations for allergies and other disabling conditions. We also strive to prevent discrimination against those with actual or perceived disabilities, and address violations of the constitutional rights of parents or students. In addition, we represent parents who are seeking guardianship of their children when they reach age 18.

We also assist parents when their children are being harassed or bullied by other students or adults, or when they have questions about their child's rights when they are ill and unable to attend school.

As consultants, we provide guidance on many other educational issues, including discipline, drug testing, test accommodations, changing class or teacher assignments, early admission to kindergarten or first grade, changing grades and participation in interscholastic activities.

Special Education Consultation

Parents often seek our help in navigating the special education process under the Individuals with Disabilities Education Act. We guide them, on their children's behalf, through issues such as eligibility, evaluations, preparation and enforcement of Individualized Education Programs (IEP's), placement in programs with typical peers and funding for private school placements and early intervention services. We represent children who are being discriminated against because of a disability or when a school district refused to make accommodations for allergies or other disabling conditions. We also provide consultation on obtaining services and accommodations through Section 504 of the Rehabilitation Act, the Americans with Disabilities Act or New Jersey Law Against Discrimination.

Mediation and Litigation

When disputes arise, parents rely upon us to represent them in mediations and to handle litigation before the Office of Administrative Law, Commissioner of Education, and federal and state courts. We have represented parents and students in precedent-setting educational cases in federal court involving, among other issues, compensatory education, standard for appropriate education and when damages can be awarded.

Advocacy for Changes in Laws and Regulations

EDUCATION LAW (Continued)

When the United States Supreme Court reversed long-standing case law placing the burden of proof on school districts in special education administrative hearings, some school districts used this to make it more difficult for parents to obtain the services their children required. We worked with parents and advocacy groups to enact a state statute placing the burden of proof back on school districts. We were also co-counsel in litigation objecting to changes in state special education regulations, and succeeded in setting aside, or getting the state to modify, some of the proposed regulations that were detrimental to students.

Representative Matters

- Faced with educating their three-year-old child in a segregated preschool for children with autism, the parents called on us to represent them in an administrative hearing. After taking testimony, the Administrative Law Judge (ALJ) agreed that the child should be educated with typical peers and ordered the school district to reimburse the parents for the private preschool.
- Over a period of several years, we represented a family whose child suffered from multiple disabilities. We led an ongoing effort to ensure that the school district provided him with a challenging education rather than warehousing him in facilities with no academic expectation. Ultimately, the student received his high school diploma and went on to college.
- After losing an administrative hearing involving their severely challenged son, the parents retained us to file an appeal in federal court. Not only were we successful in overturning the administrative hearing decision, but we argued for and obtained an order requiring the school district to place their child in an intensive residential school, and provide several years of compensatory education.
- Parents reached out to us after the school district's Director of Special Services refused to implement their son's IEP, which called for placement in a regular preschool. The ALJ ruled in our favor and ordered the district to implement the child's IEP.
- We successfully prevented a school district from graduating a student with cognitive impairment and other disabling conditions until they provided him with vocational and life skills training.
- Another family reached out to us after their young daughter was sexually harassed by a peer both during and after school. After we filed suit in federal court, the matter was settled in favor of the family.