

SPECIAL EDUCATION

Special education law is a technical area of practice that involves a multitude of federal and state laws, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Article 44 of the New York Education Law.

To assist public and non-public school clients in navigating this complex area, Hodgson Russ has an experienced legal team that concentrates in analyzing special education law disputes. Our attorneys regularly help schools understand their legal obligations to disabled students and guide schools in determining the best solution to a particular situation. Our goal is to be proactive and help schools avoid formal complaints.

When a dispute cannot be avoided, our attorneys have extensive experience representing schools in administrative, state, and federal lawsuits. We also have experience representing schools during Office of Civil Right (OCR) and State Education Department (SED) investigations and in mediation and other alternative dispute resolution venues.

Experience

Under the yoke of a federal class-action lawsuit, a New York State public school district approached Hodgson Russ for help. The suit, filed in the U.S. District Court for the Western District of New York, involved systemic, district-wide special education compliance issues. Over the years, the district was required to expend a considerable time, particularly in the compliance review, and was also required to pay significant fees to the parents' attorneys. A Hodgson Russ team anchored by Ryan Everhart negotiated a settlement with the plaintiffs' attorneys. District Court Judge John T. Curtin ended the federal court's jurisdiction over the district as well as any entitlement the plaintiffs' attorneys had to the district's student records and additional attorney's fees.

Hodgson Russ successfully obtained summary judgment in a federal court action in which a parent alleged that the school district violated the Individuals With Disabilities Education Act for a number of years. In this case, the court rejected the parents' multimillion-dollar demand for monetary damages and affirmed the principle that special education claims become moot when the applicable school year ends.

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Professionals

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In the News

Not so fast! Avoid shutting down parents who request virtual IEP meetings
Special Ed Connection, January 26, 2023

Learn how proposed IDEA regulation may ease financial burden of districts
Special Ed Connection, January 17, 2023

Every day you're shuffling: Offer FAPE despite rearranging staff during shortages
Special Ed Connection, October 13, 2022

5 Best Practices to Help Optimize Your District's Child Find Campaigns
Special Ed Connection, May 26, 2022

Resist reliance on school attorney to ghost-write draft IEPs
Special Ed Connection, March 4, 2022

Coronavirus Resource Center

View change of placement as last-resort in response to student school refusal
Special Ed Connection, July 30, 2021

Thought Leaders: COVID-19 and Education
Buffalo Business First, November 27, 2020

Don't automatically retain student's pre-COVID-19 IEP goals
Special Ed Connection, November 19, 2020

3 key considerations when providing ESY during COVID-19
Special Ed Connection, November 18, 2020

Press Releases

Special Ed Update Presented by Hodgson Russ Partners Ryan Everhart and Andrew Freedman
Press Release, October 2, 2014

Publications

The NY State Education Department Updates the Parent Procedural Safeguards Notice
Hodgson Russ Special Education Alert, May 21, 2024

New York State Expands FAPE Entitlement Through Students' 22nd Birthday
Hodgson Russ Special Education Alert, July 10, 2023

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The U.S. Supreme Court Expands the Rights of Disabled Students to Seek Relief against School Districts
Hodgson Russ Special Education Alert , March 29, 2023

Class Action Lawsuit Filed Regarding Special Education Instruction and Services During COVID-19
Hodgson Russ Special Education Alert, August 7, 2020

Governor Cuomo Extends Executive Order Permitting Remote Public Meetings Another 30 Days
Hodgson Russ Municipal and Education Alert, August 7, 2020

In Person Special Education Services and Instruction May Be Provided During Summer Term
Hodgson Russ Special Education Alert, June 6, 2020

Department of Education Releases Final Title IX Regulations
Hodgson Russ Education Alert, May 13, 2020

Education Practice COVID-19 Update and FAQ
Hodgson Russ Education Alert, March 23, 2020

The Implications of the Governor's 3/17/2020 Executive Order for School Districts
Hodgson Russ Education Practice Alert, March 17, 2020

Office of Special Education and Rehabilitative Services Issues Q&A Guidance on FAPE Standard Under *Endrew F.*
Special Education Alert, December 11, 2017

Presentations & Events

Special Education Seminar 2023
Salvatore's Italian Gardens, October 5, 2023

Special Education Seminar 2022
Salvatore's Italian Gardens, October 6, 2022

37th Annual School Client Conference
Buffalo Niagara Marriott, 1340 Millersport Hwy, Amherst, NY 14221, May 6, 2022

Special Education Webinar 2021
November 3, 2021

Special Education Update- Trending Issues in the Education of Students with Disabilities
July 15, 2021

School Client Conference Webinar Series 2021
January 15, 22, and 29

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Special Education Update

Contingency Planning and the Provision of FAPE

December 4, 2020

Special Education Seminar 2020 - COVID-19 Implications

October 14, 2020

Reopening Schools: Legal Issues Involving Students and Staff

August 13, 2020

Review of New 2020 School Budget Vote and Board Election Procedures and Timelines

May 7, 2020