

# Special Education Legal Updates

## September 28, 2022



WISCONSIN DEPARTMENT OF  
**PUBLIC INSTRUCTION**  
Carolyn Stanford Taylor, State Superintendent

# IDEA Complaints Response To Bullying

- Impact on Receipt of FAPE?
- IEP team must address with additional supports and services
- IDEA 22-001 & IDEA 22-037

# **IDEA Complaints Participation in Extracurriculars**

- **FAPE extends to Extracurricular Activities**
- **IEP team to determined supports and services**
- **IDEA 22-001 & 22-013**

# IDEA Complaints Manifestation Determinations

- Comprehensive Review of existing information required before making “direct and substantial” determination.
- IDEA 22-007 & IDEA 22-024

# IDEA Complaints LRE

- Individual determination
- Continuum must be considered
- IEP team decision
- IDEA 22-013, IDEA 22-016 & IDEA 22-025

## **IDEA Complaints Shortened Day**

- **Based on student's needs**
- **Other options considered**
- **IEP team decision**
- **IDEA 22-16 & 22-025**

# IDEA Complaints Seclusion and Restraint

- Imminent safety risk
- Proper protocols
- Proper notice
- IDEA 22-027

# Procedural Compliance Self-Assessment

- New cycle begins this year
- One new evaluation item, five new IEP items
- New area examining shortened day requirements
- <https://dpi.wi.gov/sped/educators/rdapcsa>



# Eligibility Criteria

- **Criteria revisions for many eligibility areas in spring 2022.**
- **Most common change involves removal of requirement to meet initial eligibility criteria on reevaluation.**
- **<https://dpi.wi.gov/sped/laws-procedures-bulletins/laws/eligibility>**

# Federal Guidance

- COVID-19

<https://sites.ed.gov/idea/updated-covid-19-guidance-and-resources-for-schools-students-with-disabilities/>

- School Discipline: IDEA & 504

<https://www.ed.gov/news/press-releases/new-guidance-helps-schools-support-students-disabilities-and-avoid-discriminatory-use-discipline>

# Questions?

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