

LSBA Legal Services for Persons with Disabilities Committee  
Thursday, April 21, 2016  
New Orleans, LA

**Participants:**

Nick Cenac, Co-Chair  
Elena Perez, Co-Chair  
Ken Human  
Monica Smith  
Brian Spurlock  
Gwender Sterling

**Guests:**

Jennifer Coco, Southern Poverty Law Center  
Virginia Listach, Southern University Law Center

**ATJ Staff:**

Rachael Mills, Projects Counsel  
Michael Schachtman, Self-Represented Litigation Counsel

**1. Welcome**

**2. Approval of February 24, 2016 Minutes**

Elena Perez moved to approve, Nick Cenac seconded. Minutes approved.

**3. LSPD & Diversity Committee's "Lunch & Learn" Series Recap**

The LSPD Committee partnered with the LSBA's Diversity Committee to host this "Lunch and Learn" series. The first session was in the fall covering Special Needs Trust, and was presented by Carole Neff. The second event, titled "Fit to Practice," covered how attorneys can prepare in advance for a sudden disability. The third event will be in Alexandria in conjunction with the Alexandria Bench Bar Conference and cover SSI appeals. The committee aims to find more private attorneys willing to accept these referrals.

Committee members expressed support for continuing the speaker series, and also using it as a catalyst to recruit new committee members. The committee also supports doing outreach presentations to law schools.

Brian Spurlock stated that he could make a presentation on HIPAA. This act requires health care providers to provide patients' medical records within 30 days of a request for records. The act includes a penalty provision. He stated that this law is very effective and will save litigators a lot of money when they need to access medical records, especially with social security cases. Brian stated that he would be happy to present a CLE on this topic.

#### **4. "Special Needs Education Rights" Presentation**

Michael reported that this was an idea presented by Judge Jay Zainey. Jennifer Coco from the Southern Poverty Law Center was invited to share some ideas on this presentation with the committee. Most of the presentation would revolve around the Individuals with Disabilities Education Act, the federal law that mandates the rights of children who qualify for special education services.

She recommended thinking about what a child experiences navigating the special education process from start to finish: which disabilities are eligible, how does a child become eligible, the process of getting special education services, and then thinking through the host of services and accommodations a child is eligible for once they are determined to have special needs. Another topic is the interaction between children with disabilities and the school's discipline policies, often children with disabilities are disproportionately disciplined within schools. Federal law was written to protect this very thing from happening, children with special needs being disproportionately disciplined, often for a behavior that manifests because of their special needs. The third topic that Jennifer suggested was what the process is like for families that are dissatisfied with the special education provided to their children – so parents understand their rights.

A question was raised about the different requirements of public, charter, and private schools. Jennifer stated that there are no differences between public and charter schools, but there is a drastic difference between public and private school requirements. Jennifer stated that the presentation would be most beneficial to those who children attend public schools.

Michael reported that Saturday, September 24, 2016 has been chosen as the date for the program. He would like to invited attorneys for a CLE opportunity and families who would benefit from the presentation.

Virgina Listach stated that she has been in touch with **Demoine Rutledge** who is general counsel for the East Baton Rouge School System, who is equally excited about the program. Rubye Noble also suggested inviting **Joan Hunt**, general counsel for the LA Department of Education. Jennifer then offered to suggest additional speakers for the event.

#### **5. Legislative Update**

The committee did not take any official stances on any bills before the state legislature.

## **6. 2016-2017 Projects**

Michael reported that several years ago the Law Institute asked the committee to review some language in the Children's Code that pertained to children with disabilities, and he felt that this could be a good idea for a project for the committee in 2016-2017. Michael suggested having the committee review the language in any new laws and asked that committee members keep their eye out for anything that should be reviewed by the committee.

## **7. Adjournment**