



McAndrews Law Offices, P.C.

PRESS RELEASE

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NEPA Special Education Lawyers Win Significant Federal Court Victories

SCRANTON, PA, April 27, 2015 - McAndrews Law Offices, a special education practice with offices in Scranton and the Philadelphia region, recently prevailed in precedent-setting cases for special education students in the Federal Court for the Middle District of Pennsylvania. In the first case, the Federal District Court in a rare reversal of a Hearing Officer's decision, determined that A. W., 17-year-old student with academic and emotional needs was denied a Free Appropriate Public Education (FAPE) for a period of over one year by delaying evaluations and then conducting incomplete evaluations when the district eventually conducted testing. The court found that "the District acted unreasonably in failing to (conduct an evaluation) sooner" and stated that due to the District's delays, the student's "anxieties persisted, his academic performance worsened, and his absenteeism increased" because the child "had no access to anxiety-coping instruction or to the other services that an emotional support classroom might offer, nor did he receive necessary therapy to treat his speech and language disorder." The court held that compensatory education was due to the child and ordered further proceedings to determine the additional services due to the student under the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act.

In the second case, a student with a history of academic and emotional difficulties who had received inadequate services from his local school district was arrested, and while in custody received virtually no special education services from Pennsylvania's correctional system, even though the student possessed a pre-existing Individualized Education Plan ("IEP") which set forth his necessary special education services. While in the state system, his special education program was effectively eliminated pursuant to an official policy, and the student was provided with only "cell study" packets slipped under his cell door with no instruction or services. The federal court found this practice to be a denial of FAPE, finding that IDEA allowed officials to *modify* the student's IEP, not effectively eliminate it. The Court further held that the student's IEP could be modified only after assessing legitimate security concerns specific to the student. The Court stated: "It is incumbent on the correctional institution to provide its disabled students with an opportunity for significant learning, and this obligation is not obviated by a

student's disciplinary status." The court awarded the student full days of compensatory education for each school day that he was denied FAPE.

In two other recent cases, McAndrews Law Offices prevailed before an Administrative Law Judge (ALJ) in matters now before the federal courts. In the first case, a Northeastern Pennsylvania School District was found to be "deliberately indifferent" to the fact that a young child in the district had been the victim of multiple acts of sexual misconduct by a fellow student over an extended period of time. The district effectively ignored the parent's requests for a proper investigation of the incidents and failed to timely conduct a comprehensive evaluation of her child. When the District finally evaluated the child, the testing was extensively delayed, despite the family's insistence that their child was the victim of sexual misconduct by another student. The ALJ found that the District's ongoing and serious failures entitled the child to compensatory education. In the second administrative decision, a Washington D.C. high school was found to have inappropriately ignored the need for a positive behavior plan for a student with emotional difficulties, which caused an unnecessary educational decline, and compensatory education and expert witness costs were ordered.

The Scranton office of the firm is operated by Heather Hulse, Esq., a NEPA native and a shareholder in the firm. Ms. Hulse tried two of the cases noted above, and participated extensively in their federal court proceedings. Dennis McAndrews, a native of Moscow, Pennsylvania, and the Managing Partner of the firm, also extensively participated in these matters at the federal court level together with the firm's federal court expert, Michael Gehring, and its Supervisor for Special Education, Heidi Konkler-Goldsmith. **The firm will provide a free IEP clinic on Saturday, May 16, 2015 at the Hoyt Library Meeting Room, Kingston, Pa. from 10 AM to Noon. Members of the public are welcome to attend, and the firm provides free special education consultations to any concerned family.**

About: *McAndrews Law Offices, P.C. specializes in special education, estate planning, elder law, and the protection of vulnerable victims of abuse with offices throughout Pennsylvania, Delaware, and the Washington, D.C. area. The firm was founded in 1983 by Dennis McAndrews, Esq. and currently has 19 attorneys. For more information, visit www.mcandrewslaw.com*

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