Legislative and Legal Updates in Special Education to Reduce Your School’s Liability

Denise Lowell-Britt, J.D. & Kim Davis, J.D.

Abstract: Compliance with the laws governing students with disabilities is a challenging task and can easily overwhelm even seasoned psychologists. Join attorneys Denise Lowell-Britt and Kim Davis for a review of the legislative and legal updates from the past year regarding students with disabilities that impact the work you do and the way you do it. This session will also include a scenario-based presentation on hot button areas that can help you reduce legal liabilities in special education.

Learning Objectives:

1. To learn and understand the federal and state requirements relating to students with disabilities to remain compliant in your practice.

2. To learn how recent cases and federal agency guidance related to students with disabilities impacts the processes and procedures at your school(s).

3. To learn information and consider strategies to reduce a public school’s legal liabilities.

Biographies: Denise Lowell-Britt, J.D., has been practicing law at Udall Shumway since 1987 and has been an equity partner of the firm since 1993. Ms. Lowell-Britt is very pleased to devote her practice entirely to representing school districts, community colleges, charter schools and other public educational institutions. She heads the firm’s education law group.

Ms. Lowell-Britt provides daily advice and assistance to school districts and other public educational institutions. Ms. Lowell-Britt advises and represents clients in matters that include but are not limited to: personnel issues; special education; Section 504 and ADA issues; student disciplinary hearings; student records; contracts; policy development; governing board liability and open meeting and public records issues. She has extensive experience working with matters involving the EEOC, OCR, DOJ, and the Arizona State Department of Education.

Ms. Lowell-Britt has been named a “Top Education Attorney” in Phoenix Magazine. She has been repeatedly selected by her peers as a “Best Lawyer in America” in the area of Education Law every year since 2007, including the most recent selection for 2019. The firm and Ms. Lowell-Britt have also been repeatedly identified as providing the highest quality legal services in the area of Government Relations in “Ranking Arizona: The Best of
Arizona Business”, including the most recent edition of this publication. In March 2009, Ms. Lowell-Britt was presented with the Lara Ganoung Award, which is CASE’s highest award recognizing leadership in the area of special education. In September 2017, Ms. Lowell-Britt was awarded the John R. McDonald Award by the Arizona School Board Association. The John R. McDonald Award is given to an Arizona attorney whose outstanding contributions to Arizona public education merit high distinction. On November 2, 2018, the Arizona Association of School Psychologists (AASP) presented its first ever Honorary Membership Award to Ms. Lowell-Britt. On November 14, 2018 she was again honored to receive the 2018 Friend of ASPAA award from the Arizona School Personnel Administrators Association, in appreciation for her outstanding service and contributions.

Ms. Lowell-Britt has been a regular presenter at State-wide conferences and conducts a great many in-service and training programs for school personnel on a variety of topics relating to education law. She has also authored articles for National and State publications on a variety of topics of interest to educators. Ms. Lowell-Britt has also been an adjunct faculty member for Arizona State University, teaching graduate level Education Law classes for the College of Education, Division of Educational Leadership and Policy Studies. She has been on the steering committee for the Arizona School Administrators “Principal and the Law” conference for 21 years. She has also been a regular speaker at the annual law conferences sponsored by the Arizona School Boards Association, Arizona School Personnel Administrators, the Arizona Council of Administrators of Special Education (CASE), and programs sponsored by the Arizona School Risk Retention Trust.

**Kimberly R. Davis, J.D.** joined Udall Shumway PLC in 2013. She is a member of the School Law section, representing the firm’s education law clients throughout the State.

Ms. Davis comes to Udall Shumway PLC uniquely qualified in the area of education law. Prior to completing her legal education and joining Udall Shumway PLC, Ms. Davis worked as a school psychologist for twelve years in both Arizona and Washington States. Ms. Davis also owned her own business while in Washington State providing assessments and advocacy to both school-aged children and adults in post-secondary educational institutions. As a school psychologist, Ms. Davis was primarily responsible for conducting comprehensive evaluations of students, as well as routinely being involved in the development and implementation of Individualized Education Plans (“IEP”), behavior plans, and functional behavioral assessments. Throughout her career, Ms. Davis has both attended and presented at several trainings on special education and behavioral interventions and strategies.
Ms. Davis focuses her practice primarily in the area of education law, representing and advising charter schools and school districts throughout the state. In her practice, Ms. Davis provides daily advice and assistance to school districts, charter schools, and other public educational institutions on a broad range of matters including, but not limited to, disability law matters, such as special education due process hearings, Office for Civil Rights (“OCR”) complaints, and special education state complaints; student discipline; personnel issues; Governing Board liability; open meeting laws; public records issues; and employment law matters.