The Long and Winding Road to Utah…

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Agenda
• Child Find
• Least Restrictive Environment and Analysis for Residential Placements
• Unilateral Placements – Parents’ Right to Reimbursement
• Case Studies (RTC and Private School)
• Best Practices

Child Find: Federal Law
• Child Find obligations apply to:
  – All children who are suspected of being a child (1) with a qualifying disability and (2) in need of special education,
  – Even though they are advancing from grade to grade.

(34 C.F.R. § 300.111 (c))
Child Find: State Law

- An LEA is required to actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside within a school district or are under the jurisdiction of a special education local plan area or county office of education.

Child Find: State Law (Cont’d.)

- The LEA’s obligation is to identify, locate and assess all children residing within their geographical boundaries, and to develop a practical method to implement and determine which children with disabilities are currently receiving needed special education and related services.

(Ed. Code § 56300)

Child Find: District’s Inquiry

The threshold for suspecting that a child has a disability is relatively low.
Child Find: District’s Inquiry

- The question is whether the child be referred for an evaluation, not whether the child actually qualifies for services.
- The actions of a school district with respect to whether it had knowledge of, or reason to suspect a disability, must be evaluated in light of information that the district knew, or had reason to know, at the relevant time.
- It is not based upon hindsight.

Least Restrictive Environment

- Assure to maximum extent appropriate that special education students are educated with their non-disabled peers.
- Districts must offer a continuum of placements:
  - From general education with supports to residential placements.

Residential Placements

- Residential placements are an option for IDEA eligible children who require more intensive, more restrictive services than can be addressed by district resources on a comprehensive public school campus.
- These programs must be certified providers of therapeutic/behavioral/mental health services, but...
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Residential Placements

- No uniform national/federal standard to determine whether IDEA requires an LEA to pay for a residential placement that is required to treat a child’s mental health illness versus medical needs.

Federal courts have considered and applied these standards:
- Whether the child’s mental health needs are ‘inextricably intertwined’ with educational needs;
- Whether the residential placement is ‘primarily oriented’ toward serving the child’s educational needs;

Federal courts have considered and applied these standards (cont’d.):
- Whether the residential placement would have been ‘necessary quite apart from’ the child’s educational needs; and
- Test that hinges on whether the residential placement offers state-accredited special education.

(Where is the Line? Mental Health Services and FAPE – Understanding the Public School Responsibility (webinar), National School Boards Ass’n Council of School Attorneys (2016))
Case Study:  
Ashland USD v. R.J. (9th Cir. 2009)

Facts:
– Middle school student moved into District, was diagnosed with ADHD and made eligible for special education.
– Transition to high school; student met with counselor to address issue with parents’ divorce; dated student who allegedly forced her to have sex – showed signs of depression.

Case Study:  
Ashland USD v. R.J. (9th Cir. 2009)

Facts (cont’d):
– Reevaluated in fall of 9th grade by school psychologist, finding ADHD not significantly impeding progress.
– Student ended year with A, B’s and D’s.
– In January, student spent the night at a custodian’s house and subsequently started harming herself due to conflict with parents.

Case Study:  
Ashland USD v. R.J. (9th Cir. 2009)

Facts (cont’d):
– In February, parents held her from school. Student was provided home instruction for about 2 months before returning to school; ended year with B’s and F’s.
– Counselor continued to view Student’s problems related to romantic issues as parental conflict.
– In fall of 10th grade year, Student reported to school counselor incidences of boyfriend’s abuse.
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Case Study: Ashland USD v. R.J. (9th Cir. 2009)

Facts (cont’d):
– Parents also expressed interest in a more restrictive placement and expressed concerns about Student’s “serious emotional issues,” “risky” behaviors, lying, and lack of attentiveness.
– Teachers reported generally appropriate behaviors.

Case Study: Ashland USD v. R.J. (9th Cir. 2009)

Facts (cont’d):
– School team recommended maintaining same IEP, with a new behavior plan. Later, added social communication services.
– Parents removed Student from school in December 2005, and placed at an RTC, Mt. Bachelor. Student was expelled in August 2006 for sexual behavior.

Case Study: Ashland USD v. R.J. (9th Cir. 2009)

Facts (cont’d):
– Parents then placed Student at Copper Canyon in Arizona, where she received therapy for low self-esteem, sexualized behaviors, and relationships with family members.
– Parents filed for due process hearing seeking reimbursement for placement costs.
– Hearing Officer ordered partial reimbursement, only for costs related to Copper Canyon. Found that Mt. Bachelor was not appropriate.
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**Case Study:**
*Ashland USD v. R.J. (9th Cir. 2009)*

**District Court:**
- District court reversed, finding RTC was not "necessary to meet R.J.'s educational needs."
- "R.J. was not disruptive in class. She was well regarded by her teachers, able to learn in regular classes, and capable of benefiting from the education provided to her by the school. It was mostly her behavior away from school that was at issue."

**Case Study:**
*Ashland USD v. R.J. (9th Cir. 2009)*

**District Court:**
- "Her placement stemmed from issues apart from the learning process, which manifested themselves away from school grounds."
- Parents appealed.

**9th Circuit Held:**
- Substantial evidence showed Student did not require RTC for "educational purposes."
- Student managed to do good work in public school placement. Student’s "risky behaviors" outside of school (e.g., sneaking out at night from home) prompted parents’ unilateral placements.
9th Circuit Held:

– Student’s RTC placement “stemmed from issues apart from the learning process, which manifested themselves away from school grounds.”
– Because Copper Canyon was not appropriate, District Court properly withheld reimbursement.

Case Study:
Ashland USD v. R.J. (9th Cir. 2009)

Facts:
– E.H. had emotional problems since 3rd grade. Had migraines that originated from psychological problems. Doctor found suffered from anxiety and depression.
– Made eligible for special education.
– Throughout 6th and part of 7th grade, had strong academic performance, and was gifted.

Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

Facts (cont’d.):
– Later part of 7th grade, became depressed, talked about suicide and was hospitalized in spring of 2003 for migraines.
– In 8th grade, E.H. attended District’ s alternative ed program for most of the day. Over the summer, E.H. was hospitalized on two occasions for suicide attempts.
– Doctors recommended residential placement to address emotional and medical problems.
Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

Facts (cont’d.):
– In September 2004, District modified IEP and Student enrolled in Ashland H.S., but parents indicated they were searching for residential facility.
– In November 2004, emotional problems resurfaced. Parents and District agreed to homebound instruction but did not write it into the IEP.

Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

Facts (cont’d.):
– In December 2004, E.H. was again hospitalized for suicidal tendencies, threatening to injure family members.
– E.H. returned to high school for 12 days.
– On January 24, Parents transferred E.H. to Youth Care, an out of state RTC.

Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

Facts (cont’d.):
– Prior to that unilateral placement, parents never complained about the Student’s IEP and District never mentioned it may be obligated to pay for residential facilities under certain circumstances.
– In July 2005, E.H. was transferred to another less intensive RTC run by Youth Care.
– In September 2005, parents notified District of discontent with District services and requested reimbursement for placement costs.
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Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

ALJ Found:
– District’s IEPs in 9/04 and 12/05 did not provide FAPE. Youth Care provided appropriate placement.
– Due to parents’ failure to meet 10 day notice requirement, only partial reimbursement of residential costs up to 10-day-notice date was warranted. Ordered full reimbursement of costs afterwards.

Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

ALJ Found:
– District was on notice of possible need for RTC by January 2004, at the latest. Discounted District’s position that RTC placement was for medical, not educational, needs.
– E.H.’s educational and medical needs were "intertwined."
– District appealed.

Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

District Court:
• Reversed award of reimbursement
  • Noted high cost of residential facilities
  • Parents failed to adhere to statutory notice requirement
  • Medical nature of E.H.’s placement
  • Parents’ willingness to return E.H. to public school
  • District’s willingness to revise E.H.’s IEP whenever changes were warranted
  • Found the factors weighed in District’s favor
• Parents appealed
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Case Study:
Ashland USD v. E.H. (9th Cir. 2009)

9th Circuit Held:
- District court did not abuse discretion by giving greater weight to parents’ failure to provide proper notice over district’s awareness of parental reference for residential treatment.
- Parents were well aware of the notice requirement.

9th Circuit Held (cont’d.):
- “Ample evidence” showed that parents placed E.H. in residential care to treat medical, not educational, problems. Medical nature of placement weighed against granting reimbursement.
- Parents’ delay in objecting to E.H.’s IEPs weighed against them.

Unilateral Placements Generally

- When a parent believes that a public educational placement is denying her child a FAPE, parent may choose to remove the child to a private placement, potentially at the risk of paying the full cost.
Parents’ Right to Reimbursement

- Parents’ unilateral placement is not required to meet all requirements of the IDEA or the state standards that apply to education provided by a State or local educational agency.

34 C.F.R. § 300.148(c).

- Tuition reimbursement may be an appropriate remedy for a school district’s failure to meet its obligations to comply with the child find requirement, which requires schools to locate, identify and evaluate students with disabilities.

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**Facts:**
- Teachers noticed attention problems throughout elementary and middle school in District.
- End of first semester of freshman year, Mom contacted counselor about homework issues and the school psychologist evaluated Student, but she “DNQ’ed” for OHI and SLD.


**Facts (cont’d.):**
- Student received extensive help during sophomore year and problems worsened during junior year.
- Parents and District discussed possibility of completing high school through partnership with community college.


**Facts (cont’d.):**
- Parents had Student privately evaluated and she was then diagnosed with ADHD
  - IEE advised Student would perform best in structured, residential learning environment
- Parents filed for due process hearing
Case Study: 

• Facts (cont’d.):
  – District paid for IEE to review eligibility for SLD again and DNQ’ed again since his ADHD did not have a significant adverse impact on his educational performance
  – Student was unilaterally placed in private school for senior year

Case Study: 

• OAH:
  • ALJ ruled that District failed its child find obligations and did not offer FAPE, and rewarded reimbursement for private school tuition.

• District Court:
  • District appealed and argued that since Student had never previously been in special education, the District should not have to pay for parents’ costs. District court reversed and ruled for the District.

Case Study: 

• Ninth Circuit:
  • Student appealed to 9th Circuit Court of Appeals, which decided that reimbursement is “appropriate relief.”
Case Study: 

• Supreme Court’s Decision:
  – Courts may order reimbursement for private school tuition even when a
  Student has not previously received special education services from the
  District.
  – District violated child find obligations.
  – Courts may rely on factors that may affect a reimbursement award as in the
  more common situation in which a school district has provided a child with
  some special education services, and the child’s parents believe those
  services are inadequate.

Case Study: 

• On Remand to District Court:
  – The court observed that:
    • Parents did not provide District with notice of unilateral placement until well after Student’s
      enrollment in the private program.
    • Parents did not consider other placement options and went to the first residential facility
      recommended by their private physician.

Case Study: 

• On Remand to District Court (cont’d.):
  • Dad indicated on enrollment forms that the placement stemmed from
    Student’s drug abuse and behavior problems, not ADHD.
  • Student’s private placement was unrelated to education, so Parents were
    ultimately denied reimbursement.
Parents’ Right to Reimbursement:  
**Limitations**

Reimbursement may be reduced or denied IF:

1) At most recent IEP meeting that parent attended prior to removal of Student from public school, parent did not inform IEP team of rejection of District’s offer and intent to enroll in private school at public expense; OR

2) At least 10 business days before removal of student, parent fails to give written notice to District about dispute with District’s placement and intention to place privately.

3) District notified parent of reasonable intent to assess but parent did not make Student available.

4) Upon a judicial finding of unreasonableness as to parent's actions.

Parents’ Right to Reimbursement:  
**Exceptions**

Reimbursement shall not be reduced or denied if:

- a) School prevented parent from providing the required notice of private placement,
- b) Parent did not receive notice of notice requirement, or
- c) Compliance with notice requirement would likely result in physical harm to Student.
Parents’ Right to Reimbursement:

Exceptions

- Judge or hearing officer may, at his or her discretion, decide not to reduce or deny reimbursement if:
  1) Parent is illiterate or cannot write in English; or
  2) Providing the required notice would likely result in serious emotional harm to the child.


Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts:
- Early 2012, Student began outpatient treatment for depression.
- May 2012, Student hospitalized for attempted suicide.
- Student diagnosed with mood disorder and polysubstance abuse.
- July 2012, Student placed on involuntary psychiatric hold.
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Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts (cont’d.):
- Fall 2012, Student enrolled in gifted/talented program, then a charter school.
  - Student began suffering from panic attacks & depression.
- Dec. 2013, Student hospitalized again after ingesting carpet cleaning solution.
- Mar. & Apr. 2013, Student again hospitalized for running away, drugs, self-cutting and suicidal threats.

Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts (cont’d.):
- May 2013, Student assessed by San Juan Unified School District and found that Student was:
  - Above average cognitive functioning;
  - High average range in all academic areas; and
  - Clinically significant range for depression, anxiety, conduct problems, low self-esteem, & significant social stress.

Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts (cont’d.):
- Student found eligible under emotional disturbance.
  - IEP team proposed placement at therapeutic school with mental & emotional support services.
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Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts (cont’d.):
- June 2013, Student transferred to Sacramento City Unified School District.
- Two IEP meetings in June & September 2013.
  - Parents requested RTC placement at both meetings.
  - District declined both RTC placement requests.

June 2013 IEP offered Student:
- Placement at Sierra School (NPS) with SAI.
- Four 30-minute sessions of individual counseling & one group session.
- 120 minutes of behavioral intervention services during ESY.
- Aide through nonpublic agency to monitor Student.
- Behavior support services included data collection and crisis plan, plus additional breaks for Student as needed.

Student excelled academically and mentally.

Sep. 2013, hospitalized for cocaine use & erratic behavior.

Oct. 2013, following hospitalization, Parents unilaterally placed Student in RTC.
  - Placed at Falcon Ridge Ranch in Utah.
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Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

Facts (cont’d.):
• Sep. 2013, District reassessed Student and offered the following:
  – New annual goals;
  – Dual placement at both Sierra School and George Washington Carver School;
  – Continuation of one-to-one aide for safety purposes;
  – Continuation of mental health therapy and supports;
  – Addition of mental health services at Carver; and
  – New individual transition plan (ITP).

Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

OAH Ruling:
• Mental health services offered in Jun. 2013 IEP were sufficient.
  – Sep. 2013 hospitalization did not establish that the District should have
    revisited services at an IEP meeting prior to Sep. 2013.

Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

OAH Ruling:
• Sep. 2013 IEP denied Student FAPE because offer of mental health
  therapy services was insufficient.
  – The IEP offered a fractured structure of therapy divided between two schools and
    two therapists, creating unacceptable risks that Student's mental health needs
    would not be adequately met.
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Case Study: Sacramento City Unified Sch. Dist. v. R.H., (E.D. Cal. 2016)

OAH Ruling (cont’d.):
- ALJ also found that the District’s offer failed due to lack of structure of daily therapeutic supports to help Student meaningfully work on mental health and social emotional goals on a daily basis.

OAH Ruling (cont’d.):
- ALJ concluded that, because Student’s fundamental mental health needs were educationally related, the District was not entitled to wait until Student acted out in school to increase the intensity of the offered related services.
- Ordered reimbursement of costs associated with residential placement, including parent visits.

District Court Ruling:
- District argued that the ALJ applied inappropriate standard.
- District court found ALJ properly held that the District identified Student’s emotional needs were interrelated to her educational ones, and restated law that a child’s educational needs encompass his/her social and emotional needs.
- The court also held that the Student’s therapy was to address underlying issues that prevented Student from taking advantage of any educational benefit from her IEP.
Lompoc Unified Sch. Dist. (OAH 2019)

**Facts:**
- Student found eligible for Speech from Kindergarten to October 2014, then exited from special education.
- Student had traumatic childhood witnessing father’s death, experiencing grandmother’s death, brother’s incarceration.
- Student reported to older brother that she was being bullied and Brother reported to principal twice during spring 2016 (while Student was in 7th grade), told principal Student was depressed, did not eat, stayed in her room, and started cutting herself because of the bullying.

**Facts:**
- Student’s Suspensions
  - May 2016: Physical fight with 2 students, suspended for 5 days
  - September 2016: Punched student in face and head (8th grade), suspended for 5 days
  - September 2016: Marijuana possession, suspended 3 days
  - February 2017: Stole another student’s phone, suspended for 3 days
  - March 2017: Physical altercation with another student, suspended for 3 days
- Student began counseling at community clinic and diagnosed with depression.

**Facts:**
- Student entered 9th grade for first time in Fall 2017 and began engaging in fights with students. She signed 3 “hands-off” contracts during Fall 2017 and was sent to detention four times during Spring 2018.
- Student had to repeat 9th grade because she did not earn enough credits to advance to 10th grade.
  - Suspended for 3 days for smoking marijuana at school in September 2018.
  - Notice of truancy sent home for 10 days of unexcused absences in September 2018 (Student ran away from home and stopped coming to school).
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Case Study:
Lompoc Unified Sch. Dist. (OAH 2019)

- **Facts:**
  - Assistant Principal was case manager and never saw signs of distress or depression or that Student was pervasively unhappy.
  - Based on knowledge of Student, Student planned fighting and truancy
  - Influenced by environment outside of school
  - Lots of teens at Lompoc got in fights, not unusual
  - School counselor did not see any atypical behaviors other than drug and alcohol use
  - School was unable to evaluate anyway since she was homeless

Case Study:
Lompoc Unified Sch. Dist. (OAH 2019)

- **Facts:**
  - Student’s family evicted from their home and Student became involved in sex trafficking. When she came to school, she did not want to be in class.
  - Student was SARB’ed March 2019.
  - April 2019 reported as a missing person to police.
  - Mother requested assessments after SARB hearing from school psychologist.
  - District sent Mom assessment packet but she didn’t respond; sent again 3 weeks later, Mom didn’t respond; finally sent for 3rd time to Student’s attorney in mid-May 2019

Case Study:
Lompoc Unified Sch. Dist. (OAH 2019)

- **Facts:**
  - Student’s attorney retained psych IEE evaluation.
    - Psychologist learned Student became homeless, was a runaway and a victim of sex trafficking, and used marijuana and methamphetamines.
    - Recommended she live in therapeutic setting with intense counseling and then academic assessments after she was drug free and emotionally and physically stable.
    - Found could be social maladjustment or emotional disturbance.
  - Mom signed District’s assessment plan June 2019.
Case Study: Lompoc Unified Sch. Dist. (OAH 2019)

**OAH:**
- Lompoc failed to assess in all areas of suspected disability.
  - History of violent fights, discipline, multiple incidents of truancy resulting in failing grades should have put District on notice of suspected disability.
  - District didn’t send AP until after SARB hearing in April 2019.
  - Procedural violation of FAPE.

Case Study: Lompoc Unified Sch. Dist. (OAH 2019)

**OAH:**
- Denied Student’s request for RTC
  - Not obligated because it was unclear if disability related
  - District already agreed to assess
- Decision ordered assessment and staff training for general education staff for sped referral

Catch-All Best Practices!

**Child Find:**
- Create a system to flag at-risk students – red flags include attendance, change in grades and behavior.
- Document all communications with parents including timelines and District’s responses and actions related to concerns at school and home.
- Refer for special education assessment if "red flags" signal a suspected disability or further need for data on impact of child’s problems on school performance/attendance.
- When in doubt, assess!
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Catch-All Best Practices!

Assessment:
- Obtain authorization to discuss student’s condition and issues with treating doctor or therapist and obtain relevant documents.
- Observe student at residential placement and interview residential staff and/or send questionnaires to staff.
- Also offer to assess student during a home visit.
- Document all attempts to assess student.

Catch-All Best Practices!

Assessment:
- Consider both historical and current circumstances of student’s school performance.
- Refer for concurrent ERMHS assessment, where warranted.
- Consider hiring own mental health expert.

Catch-All Best Practices!

Notice of Unilateral Placement at IEP Meeting:
- Do not dismiss parent notice or intent to place in private or "therapeutic" setting.
- Document IEP team’s discussion as to why parents are requesting an residential placement. If student’s last assessment is over a year old, offer to reassess student.
- After eliciting parent’s reasons for the residential request, the team should consider whether the school district has additional resources to add to the IEP (e.g., counseling enriched program, counseling, etc.) or document if the IEP is already meeting such needs.
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Catch-All Best Practices!

Notice of Unilateral Placement Outside of IEP Meeting:
- Respond to the notice via prior written notice.
- If student’s last assessment is over a year old, offer to reassess student.
- Explain in the prior written notice why the district believes its program is meeting the child’s needs but offer to convene another IEP meeting.
- Reminder: A school district’s obligations to the student (e.g., holding an annual review) continue even after a student is unilaterally placed by parents.

Catch-All Best Practices!

Informal Resolution/Settlement:
- Districts may enter into settlement agreement that fund (in part or all) a non-certified residential placement.
- District may also seek a waiver from CDE to place a student in a non-certified residential placement.
- Typically, negotiations involve travel costs to place student in the residential placement as well as parent visits and student home visits. This is all negotiable!

Catch-All Best Practices!

Informal Resolution/Settlement:
- Many parents place students in wilderness camps prior to placing in a residential program. CDE does not recognize wilderness camps as educational. As a result, school district do not usually reimburse for wilderness camps.
- However, some wilderness camps are trying to incorporate some education in their programs. Ultimately, wilderness camps are negotiable as well.
Catch-All Best Practices!

Informal Resolution/Settlement:

- It is important to compare the costs of educating a student in a district program or a program operated in whole or in part by a nonpublic agency or school with the costs of the residential program parents are seeking.
- If the costs are comparable and there is enough evidence to support an ALJ’s finding in favor of the student, the school district should consider a residential placement either via an IEP placement or through settlement.
- Make sure to ask parents whether their insurance is covering any part of a residential placement.

Question & Answer Session

Thank You

For questions or comments, please contact:

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Elizabeth Rho-Ng represents California public school districts, county offices of education, private schools, community college districts, and special education local plan areas in various aspects of education law, specializing in special education and student issues. She advises clients on all matters related to student services, including serving the needs of disabled students, and has extensive expertise on topics ranging from Section 504 disability discrimination complaints and student disciplinary matters to special education administrative proceedings. Ms. Rho-Ng has successfully litigated cases before administrative law agencies and in federal court.

Prior to her education law practice, Ms. Rho-Ng served as a staff attorney at the United States Court of Appeals for the Ninth Circuit, where she evaluated cases in both the criminal and civil divisions and regularly presented memoranda opinions to the judges. In law school, Ms. Rho-Ng served as a law clerk at a Boston education law firm and at the U.S. Attorney’s Office for the Northern District of California, where she handled the criminal misdemeanor caseload. Ms. Rho-Ng has also taught English as a second language in South Korea and, more recently while on sabbatical from the firm, taught law and core curriculum courses at Prince Mohammad bin Fahd University in Al Khobar, Kingdom of Saudi Arabia.

**Events & Speaking Engagements**

For nearly two decades, Ms. Rho-Ng has presented extensively across the state, from the school-site level to state-wide educational and legal conferences, providing trainings and professional development to school staff, administrators, governing boards, and other stakeholders in the field of education.
Elizabeth J. Rho-Ng

Publications
Ms. Rho-Ng has also authored numerous online articles pertaining to special education legal compliance and best practices for public educational agencies.

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- Asian American Bar Association of the Greater Bay Area, Member
- California Council of School Attorneys, Member
- Korean American Bar Association of Northern California, Member
Deborah Ettinger represents California public school districts, county offices of education, and special education local plan areas. Ms. Ettinger specializes in education law, with a focus on special education and student issues. For over a decade, she has assisted clients in serving the needs of disabled students, including matters ranging from Section 504 disability discrimination complaints and student disciplinary matters to special education administrative proceedings. Ms. Ettinger has successfully litigated special education cases in state and federal trial and appellate courts and before administrative agencies. She also works with clients proactively to help avoid costly disputes through advice and counsel, reviewing policies and practices and training staff on legal compliance.

Events & Speaking Engagements
Ms. Ettinger frequently conducts trainings for school districts on a variety of topics, from the individualized education process to compliance with Section 504. She also regularly speaks at statewide education associations.

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Ms. Ettinger is a contributor to the firm’s education publications and EdLaw Connect Blog.

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