

a bar because I'm a special ed lawyer."

Every child's special education services start with what's called an Individualized Education Program (IEP). The process involves bringing together all the parties involved in the child's education, including parents, teachers, school and/or special education administrators, and therapists. And out of that comes an official document, a road map for the child's schooling.

Of course, things don't always go smoothly. There can be disagreements over what services are needed, or the manner in which they are provided. And in some cases, services that have been agreed to either change or are never delivered—all of which are good reasons for a lawyer to get involved.

"I see myself as a problem solver," Greenburg says. "That's the part I like. But I'm fully equipped to be adversarial when I need to be."

When conflicts arise over a child's special education needs, they are handled within a discrete system of justice. Usually this begins when a complaint is filed with either the California Department of Education or the Office for Civil Rights in its federal counterpart. A state matter may escalate to a due process hearing before the Office of Administrative Hearings. But only rarely do these cases ever land in court.

In the Scheids' case, Greenburg filed a federal complaint against the school district after an incident in the safe room when Ben became so upset he started kicking and yelling. The Scheids alleged that Ben's behavior escalated to the point of requiring physical restraint because of interference by the principal. The district's internal investigation confirmed that when the principal ordered Ben to leave the safe room, he violated both Ben's IEP and the law.

In Orange County, Danielle Augustin is another attorney who represents special education plaintiffs. "Every family that comes into our office is in crisis," she says, and sometimes, she adds, it's necessary to give parents time to vent.

Parenting a child with special needs can be overwhelming, and it often involves having to fight for things other parents take for granted. The horror stories are legion: There's the child who gets off the bus at an unsafe place; the one who sits, lost, in the back of a classroom, and others who languish for months without progress. The long and costly legal battles that follow can drive some families into poverty—and tear others apart.

Advocating for these children can easily become a sec-

ond career for parents. And if the parents themselves suffered from similar problems when they were growing up, setbacks can be even more painful.

All parents naturally want the best for their children. But the hard truth is that in special education the law doesn't provide for the best—just for the merely adequate.

And, for many of Augustin's clients, that's tough to swallow.

In her own legal career, Augustin started out as a prosecutor in the Orange County district attorney's office. But then a project came along that took her all over the county to teach parents, students, police, and school officials about the links between crimes and truancy. That's when she heard all sorts of stories about how unmet educational needs had led to the truancy problems she was so focused on.

And then Augustin's own son was diagnosed with an autism spectrum disorder.

"I'm educated; I'm an attorney," she says. "And I didn't know how to navigate through this complicated system of assessments and IEPs and services in special education."

In 2005 she and another attorney started their own firm (Augustin Egelsee), which now handles juvenile law

cases, mostly in Southern California.



**"Every family that comes into our office is in crisis."**

—ATTORNEY DANIELLE AUGUSTIN

**P**ROponents of AB 114 say it gives school districts more control over the cost and extent of services they are required to provide. For this school year, the state has again allocated \$351.2 million to districts for mental health services. Federal money brings the total in California to \$420 million—that is, about \$620 per special needs student. However, school districts have more limited access to MediCal payments than mental health agencies do. And while schools can choose the most efficient way of delivering special ed services, legally they can't eliminate them just to save money.

At the law firm of Fagen Friedman & Fulfroost in Oakland, Lenore A. Silverman, a former speech pathologist, sits on the other side of the table from lawyers like Greenburg and Augustin, representing school districts all over California. In one memorable case, she represented the San Francisco Unified School District in an action against a parent who had taken egregious advantage of the system, falsely claiming their child needed extra services that cost the district thousands of dollars. (The parent ultimately was convicted of 31 felony fraud counts.)