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LOZANO SMITH ATTORNEY QUOTED IN AUGUST 2011 ISSUE OF LRP PUBLICATION

Dan Osher, Shareholder in Lozano Smith's Monterey Office, was quoted in the August 30, 2011 issue of the LRP Publication [SpecialEdConnection®](#) in an article entitled, "Legal trend: More parents seeking money damages under Section 504".

The article discussed how parents can seek monetary damages for denials of FAPE under Section 504 if they can demonstrate that a district acted with deliberate indifference to the educational needs of their student with a disability.

The article's key points regarding Section 504 preparation were:

- Prepare building-level staff.
- Don't ignore student needs.
- Craft comprehensive settlement agreements.
- Take an active approach to Section 504.

Dan Osher was quoted in the article with words of wisdom for school districts. "Make sure that all relevant school-level staff is trained regarding Section 504 requirements," Osher said. "All too often, district administrators are well-versed in the requirements of Section 504, but site staff does not know certain key requirements, such as child find," he noted. "As a result, districts could potentially be exposed to liability by the actions of school staff before the administration is even aware that there is an issue."

"When settling a special education dispute, make sure that the waiver language in the settlement agreement is broad enough to include Section 504 claims," Osher said. "Nothing would be more vexing than to settle a due process case and then have the parent promptly sue the district under Section 504."

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