

2016-2017 School Year in Review

Batchis Nestle & Reimann LLC

The Special Education Law Group

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As the 2017-18 school year gets started, we present a review of 2016-17, another strong year for collaborative solutions and litigation success at Batchis Nestle & Reimann LLC.

State and federal special education law encourages parents, students and schools to forge collaborative and cooperative relationships to address the student's needs. As a Firm, we always seek out team solutions and are well-respected for our creative solutions to programming issues and seeming impasses that may arise over a student's academic career. Due process is and should be the option of last resort. On those rare occasions where parents, student and school cannot reach a team solution however due process may be the appropriate next step.

In addition to dozens of cases that the Special Education Law Group has resolved without litigation, we prevailed in another three hearings in the 2016-2017 school year

In *J.V. v. Pottstown School District* (August 12, 2016), law partner, Nicole Reimann demonstrated that the Pottstown School District did not meet its obligation to educate an early elementary school student in the least restrictive environment ("LRE"). In this case, the Pottstown School District placed student in an alternative school for full time emotional support. The Special Education Law Group worked diligently to resolve this matter short of due process, but the District would not agree to return Student to the district school he previously attended.

The firm therefore filed a due process complaint. After a 3-day hearing, the Hearing Officer ordered the District hold an IEP meeting, to consider the full range of supplemental aids and services (including a 1:1) and to return the student to the neighborhood school he previously attended. The Hearing Officer also awarded compensatory education for the District's denial of FAPE.

In another case, the Firm prevailed in a due process hearing against the Montgomery County Intermediate Unit ("MCIU"). In *C.M. v. MCIU*, the Firm demonstrated that the MCIU failed to appropriately evaluate a preschool student, finding him eligible for special education services under the disability category of Emotional Disturbance rather than Autism. The Hearing Officer further found that the MCIU denied the preschool student FAPE. Because the MCIU did not provide appropriate programming and the preschool student made only trivial progress, the Hearing Officer awarded 5 hours of compensatory education for each day the MCIU was in session over the 18 months the preschool student received services through the MCIU. The MCIU has taken an administrative appeal in the United States District Court for the Eastern District of Pennsylvania and the firm is defending the Hearing Officer decision.

Law partner Leah Snyder Batchis added her fourth litigation win since opening the firm in 2015, *D.H. v. Pottsgrove School District*. There, the Hearing Officer found that the IEP team did not have a coherent plan to address the Student's behaviors in the areas of behavioral regulation, task completion and toileting and concluded that the District did not provide Student with a program that was reasonably calculated to provide a meaningful educational benefit. Crediting Parent's expert, the Hearing Officer concluded that the District did not obtain early and consistent input from a behavioral expert to address the student's needs. The Hearing Officer awarded approximately 1400 hours of compensatory education, four hours per day for every day Student was present in school for the first and second grades, and an additional number of hours equal to the hours Student should have been in an ESY program.

The Hearing Officer Decisions can be read in more detail here:

[J.V. v. Pottstown School District \(Skidmore 8/12/2016\)](#)

[C.M. v. Montgomery County Intermediate Unit \(Ford 1/11/2017\)](#)

[D.H. v. Pottsgrove School District \(Valentini 3/16/2017\)](#)

Leah Snyder Batchis, Esq. is a founding partner of Batchis Nestle & Reimann and has successfully resolved hundreds of special education matters throughout Southeastern Pennsylvania. Leah engages in the collaborative process with IEP teams to design programming consistent with the requirements of state and federal law. She also works to obtain equitable solutions where compensatory education is due for past denial of FAPE. Leah has also obtained dozens of out-of-district placements for her clients in circumstances where the District cannot provide FAPE. Most often, these have been obtained without the need for due process, but on the occasions where the District has not agreed, Leah has prevailed at due process.

Before founding the Special Education Law Group, Leah practiced special education law with another firm. She began her legal practice as a clerk for a Judge of the United States District Court for the Eastern District of Pennsylvania and then practiced at a highly-respected Philadelphia law firm.

Jennifer Nestle, Esq. is a founding partner of Batchis Nestle & Reimann. Jennifer has focused her practice on special education law for nearly a decade. Jennifer brings a unique perspective, as she began her special education practice as an Assistant General Counsel with the Office of General Counsel for the School District of Philadelphia. She brings her in-depth knowledge of educational programming to every matter she handles. Jennifer routinely obtains important programming changes, including out-of-district placements for her clients as well as compensatory education for past denials of FAPE. Jennifer has negotiated hundreds of settlements and has obtained significant awards of compensatory education for her clients. Most important to Jennifer is that she has achieved results that have changed the lives of her clients.

Before focusing on special education law, Jennifer was a commercial and appellate litigator at a highly-respected Philadelphia firm. She began her legal practice as a law clerk for a Judge on the United States Court of Appeals for the Eighth Circuit.

Nicole Reimann, Esq. is a partner of Batchis Nestle & Reimann. Nicole joined the Firm after practicing as a commercial litigator for more than 25 years. Nicole is passionate about children's issues. Before joining the Firm, Nicole gained experience in special education law through her pro bono representation of clients as a child advocate for the Support Center for Child Advocates, where she was named as Child Advocate of the Year in 2010. Nicole has extensive litigation experience. She has tried dozens of jury and bench trials to verdict and has deposed hundreds of witnesses. She is the coauthor of *The Deposition Handbook, 5th edition* published by Wolters Kluwer Law & Business. Nicole is committed to the Firm's goal of creative resolution of special education matters. As with her partners, she presses matters to a fair resolution and proceeds to due process only when collaboration fails.