

## Civil & Disability Rights

### Description

#### **The Lanterman Developmental Disabilities Act**

We zealously represent children and young people with disabilities in obtaining disability related accommodations and services. When those are denied due to discrimination, exclusion, personal injury or other unlawful actions, we seek to hold the agency accountable. We work hard to obtain the remedies and compensation that our clients are entitled to.

The Lanterman Developmental Disabilities Act (the Lanterman Act) is the California law that gives individuals with developmental disabilities rights to services and supports they need to live as independent a life as possible. Regional Centers are the local agencies responsible for seeing that you get the services and supports you need.

Our attorneys have extensive experience representing clients at Individual Family Service Plan (IFSP) and Individual Program Plans (IPP) meetings with the Regional Centers. We provide counsel to our clients on how to maximize the services and procedural safeguards they can obtain from the Regional Center. We provide advocacy at meetings to ensure the IPP provides services and supports to meet the unique needs of the individual. We represent individuals at mediation, and appeal an adverse Regional Center decision through a fair hearing with the Office of Administrative Hearings or by writ in the California Superior Court.

#### **Americans with Disabilities Act of 1990 (ADA)**

Title II of the ADA provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132. This includes school districts. A violation of the ADA is also a violation of state anti-discrimination laws such as the **California Disabled Persons Act**.

If a school fails to provide reasonable and accessible accommodations to assure meaningful access to the student, there may be an ADA violation.

Other claims against school districts include isolation or segregation of disabled students, failure to allow the student to be in the most integrated setting according to their needs, or retaliation.

Our attorneys will evaluate your case to determine whether you are entitled to remedies under the ADA, including injunctive relief, or monetary damages.

## **Personal Injury Claims of Disabled Students**

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Children and young people with disabilities are vulnerable and require special protection to prevent them from foreseeable harm. Unfortunately, they may be harmed by others when under the care of schools or other institutions. The injuries may be emotional in nature. In addition, a child with disabilities may have pre-existing conditions that are exacerbated by the negligent or willful actions of others. Children and young people with disabilities may not always be able to inform us how they were injured. Because of our expertise in disabilities, we are well suited to pursue personal injury claims on behalf of children that require complex evaluation of liability and damages.

## **Family Educational Rights and Privacy Act (FERPA)**

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The Federal Educational Rights and Privacy Act protects the privacy of student educational records. California must conform to this law, and in addition, provides its own protections for the privacy of student records. These laws allow students and their parents the right to inspect and review educational records; and to correct records which are inaccurate or misleading. If the school decides not to correct the records, the parent has a right to a hearing. FERPA also restricts schools from disclosing educational records to third parties without consent. Some exceptions to the disclosure restrictions apply.

Our attorneys can represent you with challenging misleading or inaccurate records. Often, these include disciplinary records, and academic records.

## **Office for Civil Rights Complaints (OCR) and the California Department of Education**

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Federal and state laws provide an administrative complaint process for students that have faced discrimination on the basis of disability, race, gender, and other protected classes. The Federal Department of Education, Office for Civil Rights, will review complaints of violations of federal law that result in discrimination against students. If the OCR determines that it will open an investigation and finds that the school is in violation of federal laws, it could result in a settlement with the school district. Similarly, there is a complaint process with the California Department of Education for discriminatory conduct. Our attorneys will review your matter and may recommend that you pursue a complaint process, which is more cost effective than litigation. We will draft your complaint and advocate for your case before these agencies to obtain equitable remedies

and compensatory services.

## **The Right to a Free Appropriate Public Education (FAPE) under the IDEA**

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Students with a disability who qualify for special education are entitled to a free and public education. Under the Individuals with Disabilities in Education Act, a child is entitled to an educational program that provides:

- Special education and related services
- Is Individualized
- Is Designed to meet his or her unique needs
- Provides access to the general education curriculum
- Places the child in the least restrictive environment and
- From which the child receives meaningful benefits.

The underlying purpose of the IDEA is to prepare a child for further education, employment, and independent living. Our attorneys will zealously represent you with your child's special education needs to obtain a FAPE for your child. [LINK TO OUR SPECIAL EDUCATION PAGE]

## **Section 504 of the Rehabilitations Act**

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Section 504 of the Rehabilitation Act of 1973 is a federal law that prohibits discrimination on the basis of disability in any program or activity that receives federal funds. A student is eligible for protections under Section 504 if they are disabled within the meaning of the Act. To be eligible, the student must be found to have a physical or mental impairment that substantially limits one or more major life activities, as a record of or is regarded as having such impairment.

Once eligible, the student is entitled to a free and appropriate public education, which means the provision of special education and related aides and services that are:

- Designed to meet the individual educational needs of a disabled person as adequately as the needs of non-disabled persons are met and
- Are based on procedures required by the law.

A student who is protected by Section 504 is entitled to the following benefits:

- An educational setting where the student is educated with non-handicapped students to the maximum extent possible appropriate to their needs
- Reasonable accommodations

- Comparable facilities
- Pre-placement evaluation and periodic reevaluations
- Procedural safeguards that includes the right to examine records, impartial hearing and review procedures
- The right to nonacademic and extracurricular activities and
- Counseling services
- Auxiliary aids and services for students with impaired sensory, manual or speaking skills

Additionally, any student that is discriminated against on the basis of their disability and in violation of Section 504 is entitled to remedies that include injunctive relief, compensatory services, and economic damages.

A child that is being bullied or harassed on the basis of their disability or facing a hostile environment due to the bullying and harassment may receive protection from Section 504.

Our attorneys represent you in all aspects of obtaining protections and services under Section 504, including attendance at school meetings, hearings, and court litigation.

[Contact Us Today](#)

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### What People Say About Us

"A rare feat in law circles"

They have not only helped in bringing a Federal ADA Retaliation case against the School District, they successfully argued our Restraining Order appeal to reversal! Yes! They were able to get our RO overturned unanimously! A rare feat in law circles. We are eternally grateful.

They continue to help us with our IEP meetings and convinced the Federal court that our ADA Retaliation case has merit. Their knowledge of Disability and Educational case law is unmatched as is their empathy for the young victims.

[Read Full Review](#)

Client, P.S.

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"The school district was ordered to reimburse me"

Rosa and Jenny filed for due process against the school district. After an intense nine-day hearing, the school district was ordered to reimburse me for funding his special education services, including tuition at Fusion Academy and mental health services.

Their advocacy did not end there. Rosa and Jenny also filed a federal lawsuit against the school district for violating my son's civil rights under anti-discrimination laws by failing to provide him with accommodations due to his disability. They were able to settle the matter with the school district. I thank them for their tenacity and perseverance in pursuing my case and advocating for my son's educational rights. My son has since graduated from high school and is now attending community college.

[Read Full Review](#)

Client, A.M.S.

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"They are more than attorneys and advocates for our children "

I cannot write a recommendation high enough for the Law Offices of Hirji & Chau. They are more than attorneys and advocates for our children. They really understand what our lives as parents of special needs kids are like.

Every single employee at the Law Offices of Hirji & Chau is an angel; always displaying professionalism, working above and beyond for our families, and always with kindness. Retaining the Law Offices of Hirji & Chau services ranks as one of the best decisions my husband and I have ever made.

[Read More Reviews](#)

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**Author**

lawyer4children  
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