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From the Desk of Lana L. Traynor

Welcome the February issue of The Light! The Fall and Winter were challenging, as we faced some changes in the office and loss among our client family. But as we move into the new year we're excited about the opportunities to share our message and provide help to families and students. In this issue you'll find an important piece on service dogs, a great success story and a review of "Centered Riding" by Sally Swift. We hope you'll find the information useful and informative! Thanks for your consideration!

All the best!

Lana
Lana

Service Dogs and IDEA

Throughout 2009, the state and federal courts have heard cases involving students' requests to attend a public school with a service dog. Several federal and state laws are implicated in service dog cases, but this article considers the applicability of such cases under the



Individuals with Disabilities Education Act of 2004 (IDEA). See 20 U.S.C. § 1400 et seq. The IDEA

is a special education, not civil rights, statute. Under the IDEA, "all children with disabilities have available to them a free appropriate public education [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living[.]" See 20 U.S.C. § 1400(d)(1) (A). Entities that receive federal and state funds are subject to the IDEA and required to provide a FAPE to eligible students. See 34 C.F.R. §§ 300. (2)(a) and 300.8. Schools are required to provide a "basic floor of opportunity," not maximize, a student's special education. Board of Educ. of the Hendrick Hudson Central Sch. Dist. v. Rowley, 1981-82 EHLR 553:656, 657 (1982).

The United States has not developed a national certification or licensing requirement for "service dogs." Although the IDEA does not define the term "service dog," courts tend to apply the Title III of the Americans with Disabilities Act (ADA) definition of that phrase. (Title III governs certain private entities.) Under Title III, analyze the facts to determine if the dog is "individually trained to do work or perform tasks for the benefit of an individual with a disability[.]" See 28 C.F.R. § 36.104. The Office for Civil Rights (OCR) and courts will not allow districts to make unilateral determinations regarding the classification of the dog, necessity of the dog, and the risks involved. These determinations must be made in an "interactive" manner that includes the parent(s). Analysis of the dog as a "service animal" must be individualized and on a case-by-case basis.

Once a dog is classified as a service dog, ascertain if the animal is necessary as a "related service" on the student's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) in order for the student to receive a FAPE. (A "related service" is "transportation and such developmental, corrective, and other supportive services as are required to assist a

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child with a disability to benefit from special education, and includes ***early identification and assessment of disabilities in children***." See 34 C.F.R. § 300.34(a)). Analysis of the service animal as a necessary component of the student's education must be individualized and on a case-by-case basis.

After establishing that a dog is considered a qualified "service dog" and the IDEA is implicated, determine if any exceptions justify a district's refusal to allow a service dog into school. Courts have employed a "balancing test" to consider the "competing interests" of the student, other students, and staff. Neither the OCR nor the courts have addressed directly the situation in which a student requires a service dog in school, but another individual has a life-threatening allergy. To date, the courts have avoided this issue by holding that the student did not need a dog in order to receive a FAPE under the IDEA.

Wise Words...

"Others have seen what is and asked why. I have seen what could be and asked why not."

— Pablo Picasso

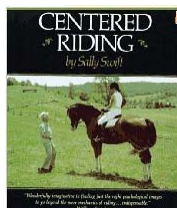
The Light ~ A Client's Story

"We have been extremely pleased with retaining Lana Traynor as our family's educational attorney. From our first consultation, she listened to our family goals and then formulated an efficient plan to accomplish them. Lana is an effective and professional communicator. We clearly understood the legal process from start to finish and our decisions along the way. A key factor to her success as our attorney was her professional relationship with legal counsel for the school district, which is critical for school disciplinary processes and appeals. We recommend Lana Traynor to anyone in need of an educational attorney. Her office staff also is very helpful and friendly, too."

Between the Lines ~ Book Review

"Centered Riding" by Sally Swift

I initially read "Centered Riding" (<http://amzn.com/0312127340>) to learn how to ride a horse without falling off, breaking any body parts, or hurting the horse. While reading, I fought the urge to highlight



portions of the text that "spoke" to me, made me pause, and made me think. (I'm not a big fan of highlighting books that I read for pleasure because I routinely employ that strategy when I read legal documents, cases, and almost everything else law-related.) As a compromise to myself, I reread Ms. Swift's book a second time with one goal in mind: Stop thinking about horseback riding and start thinking about the fast-paced world in which I live... we all live. I realized that, in my effort to "do it all," I do not see my world through soft eyes, breathe properly, maintain a proper center of gravity, or feel physically balanced.

Ms. Sally Swift, an avid horsewoman, wrote "Centered Riding" to educate others about horseback riding techniques. Ms. Swift articulated her horsemanship philosophies and training tips in "Centered Riding," but her words of wisdom transcend the equestrian world. As a lifelong learner and teacher, Swift pioneered a new training philosophy that incorporates four main components of "centered riding," which include "soft eyes," "correct breathing," "centering," and "building blocks." Each one of us can learn and incorporate the four basic concepts into our daily lives.

In the "soft eyes" section, Swift instructs the student to quiet the mind, look inside oneself, and keep "awareness of your entire field of vision." She suggests that the learner sit quietly, focus on an object, and use peripheral vision to absorb the entire field of vision. "Soft eyes" allows one to release tension, increase awareness, and improve movement of the body through space.

Ms. Swift next analyzes a seemingly routine, everyday task: breathing. We all breathe, but do we really think about how we breathe? She recommends that the rider hold his/her breath, which creates tension and stress. Upon exhalation, the rider relaxes. Swift urges the rider to pretend that air flows from his/her upper body "through a big, flexible tube, right down through the center of your body to the bottom [of your feet]." Proper breathing reduces the rider's tension and fatigue and simultaneously allows the horse to become "quieter and more responsive."

"Centering," the third component, focuses on one's center of gravity. Ms. Swift encourages the student to envision him/herself as "one of those rocking dolls that are heavily weighted

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at the bottom... You can push the top over as far as you want, but it will always bounce upright again. This is the way your body should feel – so stable and deep at the bottom that the top can do nothing but remain balanced and upright.” Through this visual, Swift illustrates that “centering” of one’s body promotes stability, balance, and a lowered center of gravity.

Ms. Swift’s “building blocks” section focuses on balance. She uses children’s wooden building blocks to illustrate the point that each block “must balance one above the other.” If the blocks “are not carefully balanced, they become unstable, or worse yet, fall down in a heap.” Ms. Swift encourages the rider to “balance the various parts of the body correctly, one above the other” in order to “reduce the amount of muscle tension or strain used to keep the body upright and, in doing so, save the energy for other uses.” With proper balance, both the rider and horse are comfortable and move together in a fluid motion.

Before “Centered Riding,” I never really thought about the five senses. I do now. Every day, I sit quietly for a few minutes and visualize Ms. Swift’s four components of centered riding... first on a horse running through a lilac field, then in the present moment of my everyday life.

Special Education Acronyms

In special education, acronyms are everywhere. It’s hard to keep track even for those of use who are involved on a daily basis... In the spirit of “you don’t know the players without a scorecard,” here are some of the most common acronyms and what they stand for...

AC	Augmentative Communication (e.g., voice output device)
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactive Disorder
AG	Annual Goal
ALP	Adult Living Program
ASD	Autism Spectrum Disorder (Eligibility Code 82)
AT	Assistive Technology (e.g., computer software)
BIP/ BSP	Behavior Intervention Plan/Behavior Support Plan
CD	Communication Disorder (Eligibility Code 50)

CP	Cerebral Palsy
DD	Developmental Disability
DHH	Deaf and Hard of Hearing
DHS	Department of Human Services
DP	Due Process Complaint
ESD	Education Service District (a.k.a. “Regional”)
ESY	Extended School Year Services
FBA	Functional Behavior Assessment
HI	Hearing Impairment (Eligibility Code 20)
IEP	Individual Education Program/Plan
LEA	Local Education Agency
MR	Mental Retardation (Eligibility Code 10)
	Neighborhood School - School closest to where student lives (a.k.a. “home” school, but not to be confused with “homeschool”)
ODE	Oregon Department of Education
OHI	Other Health Impairment (Eligibility Code 80)
O&M	Orientation and Mobility
OSB	Oregon School for the Blind
PL or PLAAFP	Present Level/Present Levels of Achievement and Functional Performance
	Resident District - District that is responsible for Student’s education
SDI	Specially Designed Instruction
SECC	Federal Placement Code
SLP	Speech-Language Pathologist
SSID	Secure Student Identifier
STO	Short-Term Objectives
TBI	Traumatic Brain Injury (Eligibility Code 74)
VI	Vision Impairment (Eligibility Code 40)
	Voc.Rehab. - Vocational Rehabilitation



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