

Trends in Special Education Case Law: Frequency and Outcomes of Published Court Decisions 1998–2012

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- This article determines the frequency and outcomes of published court decisions under the Individuals with Disabilities Education Act for students from pre-K through grade 12, starting in January 1998 and ending in December 2012.
- The frequency of these decisions trended upward during the 15-year period, particularly during the most recent 5-year interval.
- The conclusive outcomes favored districts 3:1 both overall and on a relatively consistent longitudinal basis; however, the intermediate outcomes partially ameliorated this pronounced prodistrict tendency.
- The Second Circuit region (New York, Vermont, and Connecticut) had the highest volume of cases, and the Tenth Circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming) had the lowest.
- The Eighth Circuit (North Dakota, South Dakota, Nevada, Minnesota, Iowa, Missouri, and Arkansas), was the leader in the prodistrict outcomes, and the D.C. Circuit was the most district-favorable circuit court region.

The Individuals with Disabilities Education Act (IDEA) obligates school districts to identify students with disabilities and provide them with a free and appropriate public education (FAPE), which includes specially designed instruction. Identification, FAPE, least restrictive environment (LRE), and various other issues under the IDEA sometimes become a source of contention between parents and school districts. The IDEA provides both the parent and the school district with the right to file a due process complaint on “any matter relating to the identification, evaluation or educational placement of the child [with disability], or the provision of [FAPE] to such child” (§1415(b)(6)(A)) and the right of appeal to “any State court of competent jurisdiction or in a [federal] district court” (§1415(i)(2)(A)).

The primary dispute resolution mechanism under the IDEA is adjudicative and consists of two levels. First is the administrative level in the form of an impartial hearing officer’s decision. Under the IDEA provision for due process hearings (§1415(g)), 40 states and the District of Columbia have a one-tier

system that is limited to the hearing officer level, whereas the rest of the states have a two-tier system that provides a second officer-review tier to the administrative dispute resolution system. The second level includes court action in the state or federal courts with published court cases under the IDEA as the culminating level of case law. There are three levels of the federal judiciary: 1) the trial level court, 2) the intermediary or appellate court, and 3) the highest court. The federal district courts are at the trial level. The appellate court level consists of 13 federal circuit courts of appeal, with the majority of them covering several states in one geographic area. One exception is the federal court of appeals for the D.C. Circuit, which is limited to the District of Columbia. The other is the Federal Circuit that deals with more specialized areas such as copyright or taxes. The highest level of the federal judiciary is the U.S. Supreme Court. Although having concurrent jurisdiction with federal courts under the IDEA, state courts have relatively few of these cases. The state courts also generally have three levels, but the names of the levels vary widely from state to state.

Special Education Case By Case

Terry C. Jones



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