

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

**Cecil R. Reynolds, Elaine Fletcher-
Janzen**



Special Education Case By Case:

Special Education Law Case Studies David F. Bateman, Jenifer Cline, 2019-01-12 Tremendous changes have occurred over the past decade in the provision of services to students with disabilities Federal mandates continue to define requirements for a free appropriate public education FAPE in the least restrictive environment Additionally there has been an increase in the number of lawsuits filed against school districts regarding the provision of educational services for students with disabilities Case studies are a helpful way to understand these difficult issues The case studies presented here are actual students eligible for special education and related services The case studies are represented not to tell districts and parents that this is the only way questions about special education law can be answered but to provide likely answers along with commentary for analysis The cases were developed to help new and experienced special education leaders and supervisors survive the pressures of working with students with disabilities while working to provide appropriate services and prevent litigation

Case Studies of Minority Student Placement in Special Education Beth Harry, Janette Klingner, Elizabeth Cramer, 2007 This book features vivid case studies that bring to life real children school personnel and family members from the bestselling book *Why Are So Many Minority Students in Special Education* Once again addressing the disproportionate placement of minority students in special education programs this new book includes the voices and perspectives of all stakeholders to show the tremendous complexity of the issues and the dilemmas faced by professionals family members and children Challenging questions and scenarios are offered at the end of each case study to provide thoughtful follow up activities and topics for further study This collection of cases can be used on its own or as a companion to the main volume in elementary and special education courses and professional development workshops This book provides a thorough and detailed description of the multiple factors that combine to provide inequitable educational opportunities for minority students living in poverty the authors do not shy away from discussion of racism on the individual and institutional levels they engage in this discussion in a refreshingly detailed and nuanced way TC Record It is the best casebook on special education that I have seen Velma L Cobb Vice President of Education and Youth Development National Urban League

Case Studies about Children and Adolescents with Special Needs Nancy Halmhuber, Kathleen Jeakle Beauvais, 2002 This categorically organized casebook is intended to assist readers with their studies of Special Education and Inclusion KEY TOPICS Based on rich varied and above all real cases culled from a large school district in which the authors worked extensively this book offers future teachers a compelling and realistic exposure to the situations issues and dilemmas faced by special educators in today's elementary and secondary classrooms MARKET Designed for Special Education teachers

Case Studies in Special Education Law Mary Konya Weishaar, 2007 This text is designed to provide students with real life case studies that address important issues within the IDEA and NCLB legislations Students will see both best practice and less than best practice when they read the cases It is specifically designed for graduate students who are taking a course in

special education law and or administration Case Studies in Special Education Law is intended to provide supplemental instruction using real life cases while studying the law *Understanding Special Education* Roberta Gentry, Norah S. Hooper, 2016-06-13 In increasing numbers general education teachers are faced with the task of educating students with disabilities in their classrooms and many beginning teachers are not prepared for the diverse classroom that awaits them The cases in this book are written from the viewpoint of general education teachers with the goal of providing them with the information and tools to improve their ability to approach this task with confidence As participants process the cases in this book they will learn to collect and evaluate data identify important concepts apply legal requirements develop hypotheses and create or defend arguments Through introductory materials included in each chapter the major provisions of the Individuals with Disabilities Education Act IDEA are outlined in easy and understandable terms and illuminated through the cases presented Discussion questions links to websites and suggested activities are included in each chapter *Case Studies in Special Education* Tera Torres, Catherine R. Barber, 2017-06-12 Special education law and practice have undergone profound transformation over the past 50 years Students with disabilities are now more likely to receive a free and appropriate education in the least restrictive environment possible however the ideals of the law have not always been manifested in effective practice Although special education services are vastly better today than they were in the early years of public education current policies and practices continue to result in the under education of many children with disabilities This book illustrates key failures of the system within the context of real children s experiences The case study approach gives voice to the students families and educators who have been let down by the special education process The goal is to shed light on the flaws and injustices of the status quo After identifying these problems the authors offer sound solutions Section 1 is devoted to issues surrounding identification of students with learning disabilities These topics include occurrence of inconsistencies in assessment and diagnoses understanding the struggles of the slow learner and the interference of behavioral challenges with students educational performance Section 2 addresses problems within the evaluation process that negatively influence diagnoses Discussions include disproportionate representation of students from low socioeconomic backgrounds as well as students of color and bilingual students Section 3 highlights significant concerns with service provision within the special education realm The narratives throughout the book present stories of children on the receiving end of a severely fractured special education system Recommendations focus on solving specific problems such as inconsistent identification processes and categories disproportionate representation ill conceived IEPs ineffective specially designed instruction and poorly implemented RTI programs The book s methodological approach affirms that there is much room for reform within both the special education system and the public education system as a whole This book will be an excellent resource for graduate level students practitioners and teachers in the fields of special education disability studies early intervention school psychology and child and family services Additionally it will be of interest to social workers

counselors and researchers **Case Studies in Building Equity Through Family Advocacy in Special Education** Lydia Ocasio-Stoutenburg, Beth Harry, 2021 You've read the history and the background now meet the families This companion book to *Meeting Families Where They Are* traces the advocacy journeys of 12 caregivers across a range of racial ethnic social disability economic and family identities The stories reflect the unique lives histories and needs of each family as well as the different approaches they employ to meet the needs of their children Caregivers indicate when they began to advocate describe how they continue their efforts across schools medical offices therapies communities and virtual spaces and discuss how they adapt to changing social and health climates and educational delivery modes They also share their collective wisdom to assist other parents who are new to the advocacy platform or are feeling discouraged with the process This is must reading for family members teachers administrators health care personnel and everyone invested in creating a culture of respect love and understanding Book Features Emphasizes how families have resisted the deficit based view of their children while still utilizing systems of support Identifies gaps and challenges across multiple systems as well as what's working Incorporates the fields of special education and disability studies in education Uses the framework of DisCrit to explore how disability and other social identities operate in tandem examining concepts such as power access privilege and barriers Positions caregivers as experts in their children's lives illustrating how they advocate for their children teens and young adults Takes a deep dive into the nuances of generational cultural organizational and geographical factors that impact how caregivers advocate Resists approaches that typically involve professionals dictating what families need centering instead on a collaborative model that includes families and professionals *Encyclopedia of Special Education* Cecil R. Reynolds, Elaine Fletcher-Janzen, 2007-02-26 The Third Edition of the highly acclaimed *Encyclopedia of Special Education* has been thoroughly updated to include the latest information about new legislation and guidelines In addition this comprehensive resource features school psychology neuropsychology reviews of new tests and curricula that have been developed since publication of the second edition in 1999 and new biographies of important figures in special education Unique in focus the *Encyclopedia of Special Education* Third Edition addresses issues of importance ranging from theory to practice and is a critical reference for researchers as well as those working in the special education field Special Education Gwen Williams, 2001-01-01 *Cases on Service Delivery in Special Education Programs* Epler, Pam L., 2018-12-28 Educators are continually pressured to create interesting and educational lessons for students of varying learning abilities While technology steadily improves classroom learning education systems struggle to develop more innovative teaching methods for students with disabilities *Cases on Service Delivery in Special Education Programs* compiles real world case studies on successful classroom models and practices to provide rewarding learning environments for students with disabilities Addressing topics such as behavior modification social development and teacher collaboration this publication is an essential reference source for special education teachers supervisors directors administrators principals and policymakers

as well as academicians and researchers interested in developing special education programs within school districts and classrooms

The Top Books of the Year Special Education Case By Case The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the engaging narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Special Education Case By Case : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you speculating until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

https://archive.kdd.org/data/book-search/default.aspx/Street_Boy_Returns.pdf

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Special Education Case By Case Introduction

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