

Understanding the Current Landscape of Accessible Education

**Selene Almazan, Esq.
Legal Director**

Council Of Parent Attorneys And Advocates, Inc. (COPAA)

LANDSCAPE 2025

- The Administration has made clear that it intends to follow through with its campaign promise to abolish the US Department of Education.
- Given that they **cannot relinquish the Secretary's responsibilities under several key statutes** (e.g., ESEA, IDEA, HEA), they **have taken steps to reduce staff across all divisions**, including the Office for Civil Rights. They are also taking active steps to refocus discretionary funding on a new set of priorities.

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- While the priority-setting [for discretionary funding] is always done once an administration arrives in DC, what is **shocking is the major cuts to both staff and grants funded through appropriations provided by Congress.**
 - For example, the 1400 employees separated from employment by ED in March 2025 included more than 260 from the Office for Civil Rights. Due to contests to the layoffs [via two lawsuits], in September, ED was required to bring 80 of the OCR employees back. To our knowledge, they have not reopened any of the 7 regional offices that were closed. *(They closed 7 of 12 regional offices)*

- ▢ **Grants funding ESEA programs and certain IDEA national activities have been under great threat in the past several months.** More specifically, in September, among other grants discontinued [that are authorized and funded by Fiscal Year 2025 appropriations dollars for ESEA and IDEA activities], **ED cut 5 statewide family engagement centers, all equity centers, and more than 30 IDEA technical assistance grants** that support regional parent training centers, finance and data support to states, as well as Deaf-Blind TA centers for schools and families.

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- ❑ **ED has not yet provided Congress with the Annual Report on IDEA** -which is typically completed in the summer. *The report provides comprehensive national and state data on the status of students with disabilities, which is essential to policymakers and stakeholders who are making funding and other critical decisions for special education.*
 - ❑ With the cuts to both staff and authorized grant activities, it is **unclear** how **ED will fulfill all of its statutory obligations under ESEA, IDEA, HEA, vocational rehabilitation and more.**

ADVOCACY

- **Multiple lawsuits over the dismantling of OCR**

- On September 29th, a three-judge panel of the 1st Circuit Court of Appeals in **Boston overruled a lower court decision and temporarily allowed the U.S. Department of Education (ED) to continue reducing Office for Civil Rights (OCR) staff.** *It is unclear what this means for the 80 staff brought back in early September.*

EQUITY?

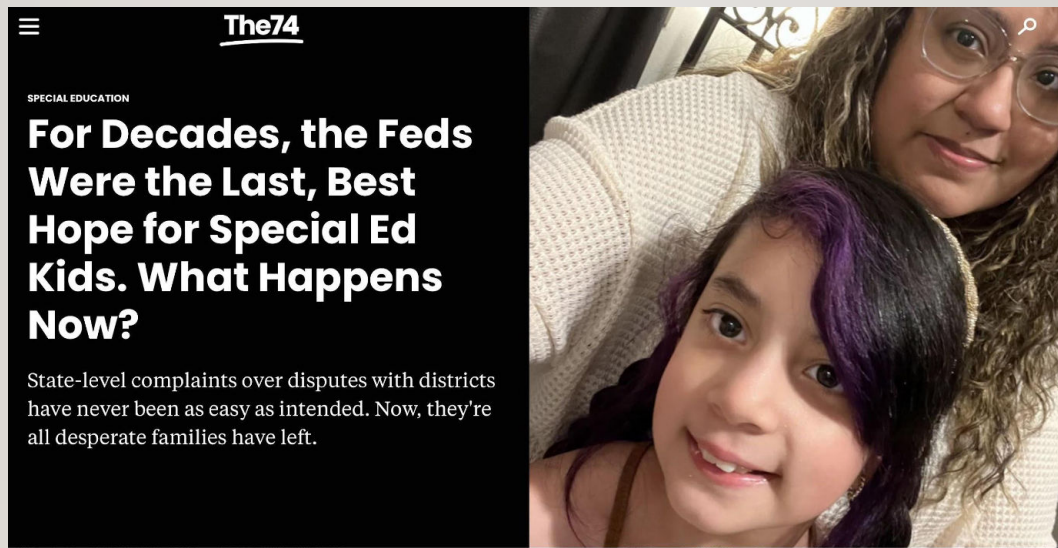
1. OCR changes/priorities of this administration
2. Complaints to OCR

WAYS TO USE ADVOCACY ORGANIZATIONS

- Background info on specific issues, always willing to speak on background
- Ask to speak with parents if possible.

Maps, Interactive Data Visualizations, And A Purple-haired Pixie

Beth Hawkins, The 74



Investigative Reporters and Editors for AccessFest25.

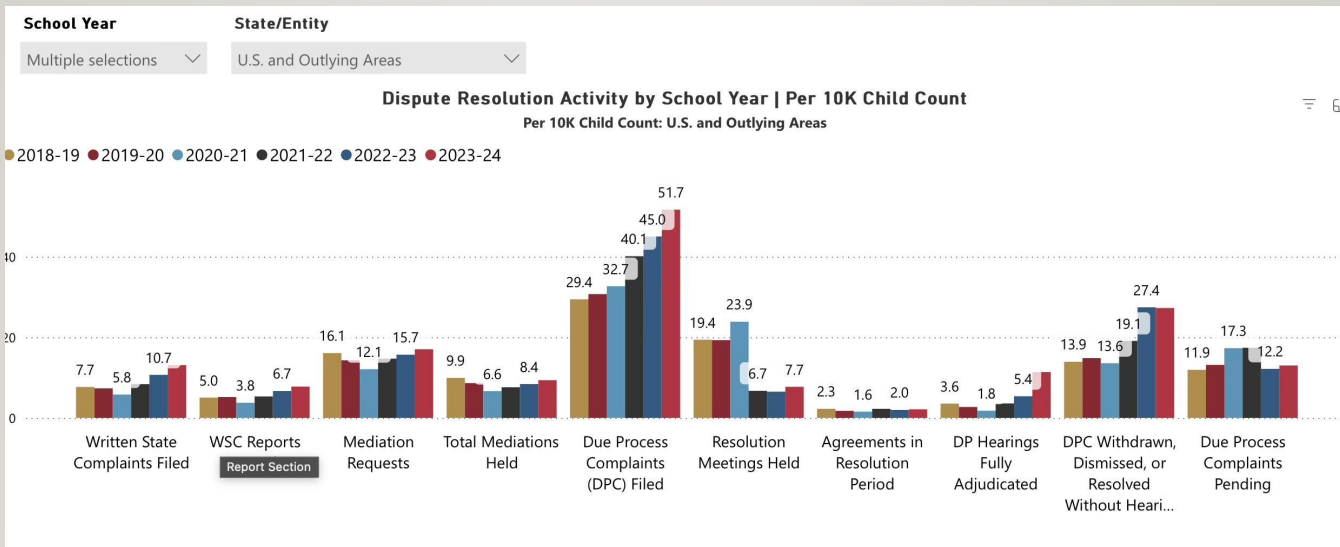
Memorize This! It's Your Special Ed North Star For The Foreseeable Future

- Historically, **state and local officials have been terrible guardians of children's civil and educational rights**
- The U.S. Department of Education hasn't been great — *but it's sometimes been better*
- The feds are **abdicated their legally mandated oversight role**
- *What does your state do when a school district violates a child's rights?*
- *Who has access to help navigate the system when state oversight is lax?*

Resolving Special Education Disputes Is Supposed To Be Parent-friendly & Quick

- Even the **best-resourced families struggle to navigate the system**
- We found that in reality, **families' ability to get help from a lawyer or specially trained advocate is crucial**
 - **FUNDING FOR ADVOCATES AND PRO BONO LEGAL HELP IS UNDER SIEGE**
- There are **already massive disparities** — *geographic, demographic and linguistic* — in who has access to that help
- Without that help, **resolutions are often inadequate, poorly enforced and don't guarantee better services for students**

What We Wanted To Do — Using A Lovely Dashboard That Turns Out To Have A Huge Flaw



WHERE WE ENDED UP

- We downloaded 18 years of U.S. E.D. data on how special education disputes are resolved
- <https://data.ed.gov/dataset/idea-section-618-state-part-b-dispute-resolution>
- We identified and removed outliers: NY, Puerto Rico, and territories
- We found stark regional variations
- To understand these inequities, we interviewed a range of sources — attorneys and advocates, education officials, school finance experts, parents

STARTING POINTS!

SPECIAL EDUCATION IS COMPLICATED — BUT DATA-RICH

*** Who do your schools serve?**

Are they living up to their “child find” duty to identify children with educational disabilities?

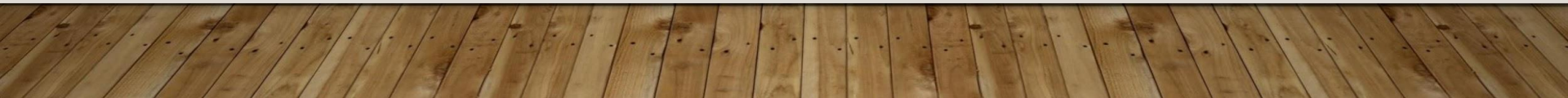
***Child count: states disseminate data on who is identified by age, educational disability category and — importantly — instructional setting.**

The law calls for the “least restrictive setting,” but schools often over-segregate, particularly children of color.

*** At what point in their school careers are children referred for services?**

Are children being referred to special education at junctures that suggest a failure of basic, general education: e.g.. Because they are unable to read by the 3rd grade

Minnesota’s child count portal: <https://education.Mn.Gov/MDE/dse/schfin/sped/count/PROD085614>



An Affluent, Largely White School

In 2024, 64% Of Children With Disabilities Read At Grade Level

Minneapolis Public Schools - School Detail Dashboard

School Detail Dashboard

Lake Harriet Elementary Upper

Select a School



Lake Harriet Elementary Upper

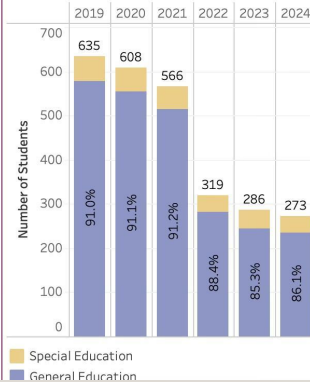
Demographics Breakdown



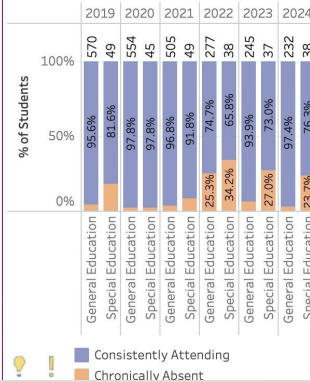
Special Education

Lake Harriet Elementary Upper is a **Community** school with a **3 - 5** grade configuration. The school was built in **1915**, has **85,874** square feet of space, and has a total student capacity of **615**. The building is in a **Low Density Residential** neighborhood and is approximately **0.1 - 0.5** miles from the nearest Metro Transit stops.

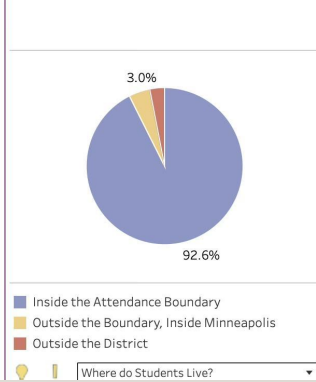
Who Attends this School?



Who Consistently Attends?

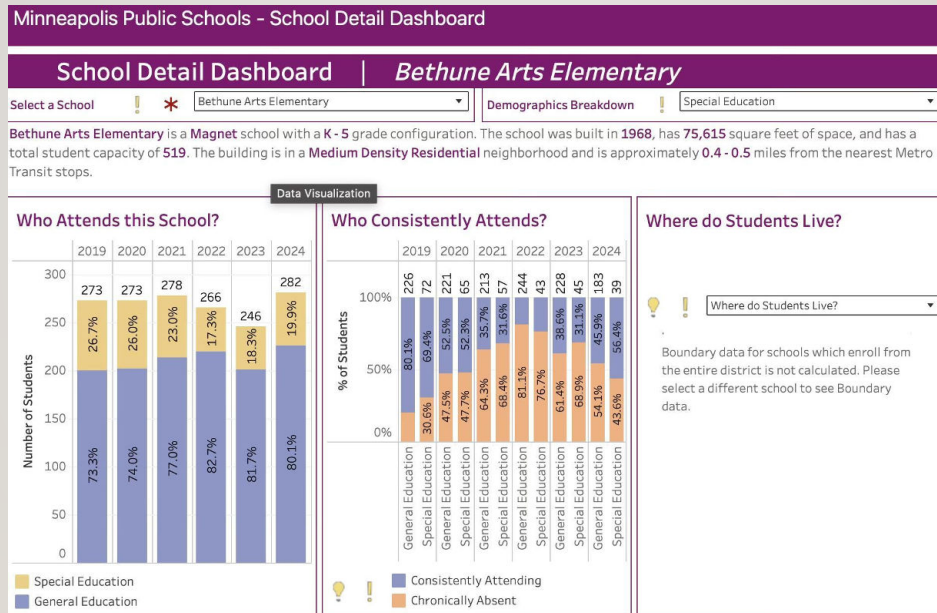


Where do Students Live?



An Impoverished, Black And Brown School

In 2024, 7% Of Children With Disabilities Could Read At Grade Level



Child Count — Minneapolis

REPORT #13		RUN DATE:01/17/24		MN DEPT OF EDUCATION/SPECIAL EDUCATION																		PUBLIC ENRLMNT: 35,674 REC'ING SER: 6,509										CCRPTE00010324 PAGE 4									
FORM: 108-44				UNDULICATED CHILD COUNT BY SETTING																		NONPUBLIC ENRLMNT: 5,510 REC'ING SER: 84										TOTAL ENRLMNT: 41,184 TOT'REC SER: 6,593									
DIST TYE-NUM:03-0001		ECSU: 11		DECEMBER 1, 2023																																					
DIST NAME: Minneapolis Public School																																									
AGE: BIRTH		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	+21	TOTAL																	
		*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****																
SLD	01	0	0	0	0	0	0	3	33	52	89	103	99	94	83	70	81	84	58	30	11	2	0	0	892																
SLD	02	0	0	0	0	0	0	0	22	26	36	50	55	68	58	79	71	69	83	25	12	6	0	0	660																
SLD	03	0	0	0	0	0	0	1	4	6	3	5	7	12	14	6	8	17	17	18	9	2	0	0	135																
SLD	04	0	0	0	0	0	0	0	0	1	2	0	0	0	1	1	1	0	0	1	1	0	0	0	8																
SLD	07	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1																
SLD	08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2																
CAT		0	0	0	0	0	0	4	59	85	132	159	159	171	156	156	163	170	158	75	32	17	2	0	1,698																
EBD	01	0	0	0	0	0	0	7	10	14	13	13	14	12	19	20	23	23	24	10	3	0	0	0	205																
EBD	02	0	0	0	0	0	0	5	7	10	9	11	11	4	10	20	21	22	17	7	5	0	0	0	159																
EBD	03	0	0	0	0	0	0	3	10	9	8	9	10	14	14	13	11	5	13	3	3	2	0	0	127																
EBD	04	0	0	0	0	0	0	0	2	3	2	7	3	9	7	6	4	9	8	6	0	0	0	0	66																
EBD	08	0	0	0	0	0	0	0	0	1	0	1	1	2	0	1	0	0	1	0	0	0	0	0	7																
CAT		0	0	0	0	0	0	15	29	37	32	41	39	41	50	60	59	59	63	26	11	2	0	0	564																
DB	03	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2																
CAT		0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2																
OHI	01	0	0	0	0	0	1	7	10	23	38	30	32	32	32	37	43	44	59	21	9	7	0	0	425																
OHI	02	0	0	0	0	0	0	1	7	9	15	20	21	19	12	19	24	27	32	8	4	1	2	0	221																
OHI	03	0	0	0	0	0	0	2	5	3	3	5	4	7	4	7	8	10	7	8	3	2	1	0	79																
OHI	04	0	0	0	0	0	0	0	0	0	0	0	0	2	1	1	2	3	5	2	2	1	0	0	27																
OHI	08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2																
CAT		0	0	0	0	0	1	10	22	37	61	55	59	59	49	67	77	85	103	38	18	10	3	0	754																
ASD	01	0	0	0	0	0	0	17	28	38	34	28	20	40	35	26	30	26	25	17	10	7	5	2	0	388															
ASD	02	0	0	0	0	0	8	15	30	19	21	14	13	21	12	16	21	14	13	8	5	3	2	0	235																
ASD	03	0	0	0	0	0	0	26	39	45	41	33	23	29	14	25	20	21	24	20	18	19	12	9	0	418															
ASD	04	0	0	0	0	0	0	0	0	1	3	3	3	8	2	6	2	3	0	7	1	3	2	1	0	45															
ASD	08	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	5																
ASD	13	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5																
ASD	31	0	0	0	0	12	40	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60																
ASD	32	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4																
ASD	33	0	0	0	0	6	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10																
ASD	34	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2																
ASD	41	0	0	0	0	53	71	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	138																
ASD	42	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2																
ASD	45	0	0	0	0	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13																
CAT		0	0	5	83	122	75	82	114	98	85	60	90	73	69	68	71	63	57	37	34	22	14	0	1,322																

A Couple Of Sourcing Notes

- *Lawyers and advocates are overwhelmed. Try to do your homework with policy shops, Nexis, etc., before you hit them up for help.*
- **COPAA's website has a member directory and research section.**
- *By the time they are in a position where their experience is of interest to a reporter, parents have often become defensive and focused on the blame and mistruths they have been subjected to. Ask to speak to their advocate and to see their documents.*

Accessible Education:

Investigating The Impacts Of Federal Changes And Telling Compelling Stories

Mandy McLaren, Courier Journal

The promise unkept: How Congress failed America's disabled students

THE GREAT DIVIDE

Secluding a child is supposed to be prohibited in Mass. schools. But parents say the practice is still in use.

By Mandy McLaren Globe Staff, Updated September 5, 2024, 5:55 a.m.



JCPS is pulling hundreds of kids from class for psych evaluations and threatening parents



Mandy McLaren

Louisville Courier Journal

March 24, 2020 | Updated March 25, 2020, 4:12 p.m. ET

'A pain in the ass': Northampton school leaders caught on hot mic disparaging dad who pushed for his disabled kid's rights

In the exchange, caught by a transcription app, unnamed speakers admit to denying special education services

By Mandy McLaren Globe Staff, Updated April 1, 2025, 5:00 a.m.



'I want to scream, but I can't.' The hidden world of special education settlements in Mass.

Updated November 12, 2024, 5:40 a.m.



US finds Mass. education department fails to protect students with disabilities

By Mandy McLaren Globe Staff, Updated February 12, 2025, 7:19 p.m.



THE GREAT DIVIDE

'The system is rigged': How Massachusetts school districts fail dyslexic students and their families

Students with the common disability can learn to read with the right instruction, but many Massachusetts schools don't, or won't, provide it

By Mandy McLaren Globe Staff, Updated January 12, 2024, 3:03 p.m.



Is your child's 504 plan at risk? What to know about the lawsuit targeting disability protections.

By Mandy McLaren Globe Staff, Updated February 27, 2025, 6:04 a.m.



Amid Trump cuts, Senators Warren, Markey call on Congress to fully fund special education

By Mandy McLaren Globe Staff, Updated July 10, 2025, 7:02 a.m.





The Parents and [REDACTED] hereby waive any and all claims of entitlement to further educational or related services of any kind whatsoever

in the future.

An excerpt from a 2013 Weston Public Schools special education settlement prohibits a family from making

The Parties to this Agreement agree that it shall remain confidential between them and they shall not disclose any terms or this Agreement to anyone, except as required by law or in response to a lawfully issued subpoena. The Parents and their representatives shall not disseminate any

information about the terms of this Mediation Agreement via the internet, **spedpac sites, blogs, social media sites including Meta (Facebook/Instagram, etc), or to the SEPAC**

in any form or forum. If asked about this matter, the Parties shall state that the matter has been resolved to satisfaction of both Parties. The Parties further agree that they may, without breach of Agreement, disclose the terms of this settlement to their attorneys, educational consultants, financial advisors, medical, mental health providers, relevant District staff, and/or immediate family members. The Parties also may, as they deem necessary or desirable, seek to introduce copies of this Mediated Agreement as an exhibit in administrative or judicial proceedings for furtherance of enforcing this Mediated Agreement.

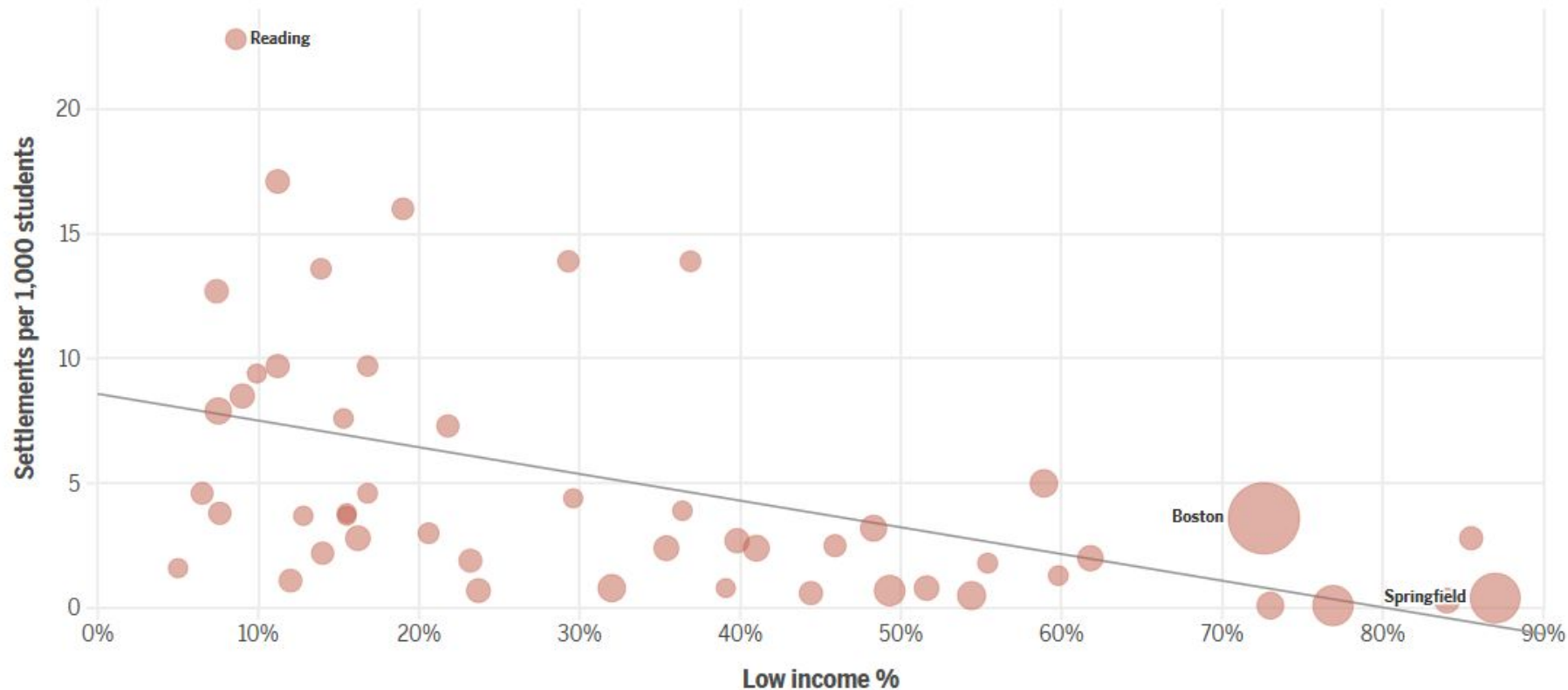
12.

Except as otherwise provided for in this Agreement, and except to enforce the terms of this Agreement, the parties mutually remise, release and forever discharge each other, and each other's officials, employees, agents and contractors from all debts, demands, actions, causes of actions, suits, liabilities and any and all claims of any kind, nature, and description both in law and in equity which they have asserted, or could assert against the other party arising from the STUDENT'S educational placement **from the beginning of the world** to the date this agreement is executed.

Weston Public Schools' special education parent advisory council. ALLY RZESA/GLOBE STAFF

Wealthier districts tended to give out more special education settlements

Based on analysis of 2013 to 2023 settlement records from 50 largest school districts in Mass. Dots sized by district enrollment.

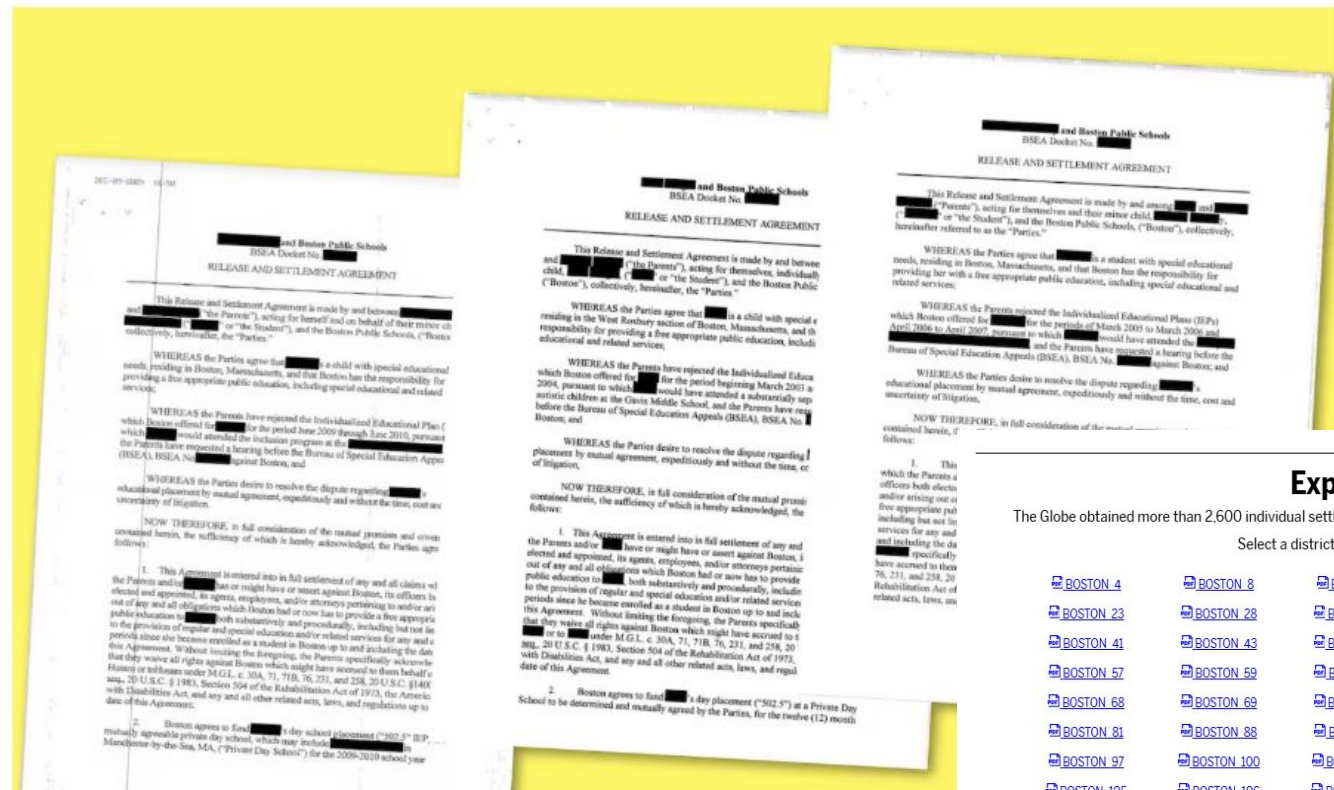


Source: Globe analysis of school district records, [Mass. Dept. of Education](#) • NEENA HAGEN/GLOBE STAFF

Note: Districts that didn't provide all settlement records from 2013 to 2023 were excluded from this chart

Explore documents from special education settlements in Mass.

By Mandy McLaren, Daigo Fujiwara-Smith and Neena Hagen Globe Staff, Updated November 14, 2024, 4:11 p.m.



Explore documents

The Globe obtained more than 2,600 individual settlements from 141 Massachusetts school districts, most spanning 2013 to 2023.

Select a district: **Boston**

- | | | | | | |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| BOSTON 4 | BOSTON 8 | BOSTON 9 | BOSTON 11 | BOSTON 16 | BOSTON 22 |
| BOSTON 23 | BOSTON 28 | BOSTON 29 | BOSTON 32 | BOSTON 34 | BOSTON 37 |
| BOSTON 41 | BOSTON 43 | BOSTON 45 | BOSTON 46 | BOSTON 47 | BOSTON 54 |
| BOSTON 57 | BOSTON 59 | BOSTON 61 | BOSTON 63 | BOSTON 65 | BOSTON 67 |
| BOSTON 68 | BOSTON 69 | BOSTON 70 | BOSTON 73 | BOSTON 75 | BOSTON 79 |
| BOSTON 81 | BOSTON 88 | BOSTON 91 | BOSTON 92 | BOSTON 95 | BOSTON 96 |
| BOSTON 97 | BOSTON 100 | BOSTON 101 | BOSTON 102 | BOSTON 103 | BOSTON 104 |
| BOSTON 105 | BOSTON 106 | BOSTON 107 | BOSTON 108 | BOSTON 109 | BOSTON 110 |

▼ How to request records

To conduct its investigation into special education settlements, the Globe requested records from every public school district in Massachusetts -- something anyone in the public has the right to do.

Such rights are enshrined in the state's [public records law](#).

The Globe, which began its reporting last year, obtained records from 2013 to 2023. Curious about more recent settlements? Use the following email as an example to get you started. (Note: Some districts, such as [Boston](#) and [Springfield](#), use online portals to process their public records requests.)

Dear Superintendent,

Please accept the following records request under the Massachusetts Public Records Act (M. G. L. Chapter 66, Section 10): Settlement agreements entered into by your School District with parents and guardians, from August 1, 2023 through July 31, 2024, relative to the provision of special education services and/or educational placement(s) for students with disabilities, redacted of personally identifying information.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of special education in your district. This information is not being sought for commercial purposes.

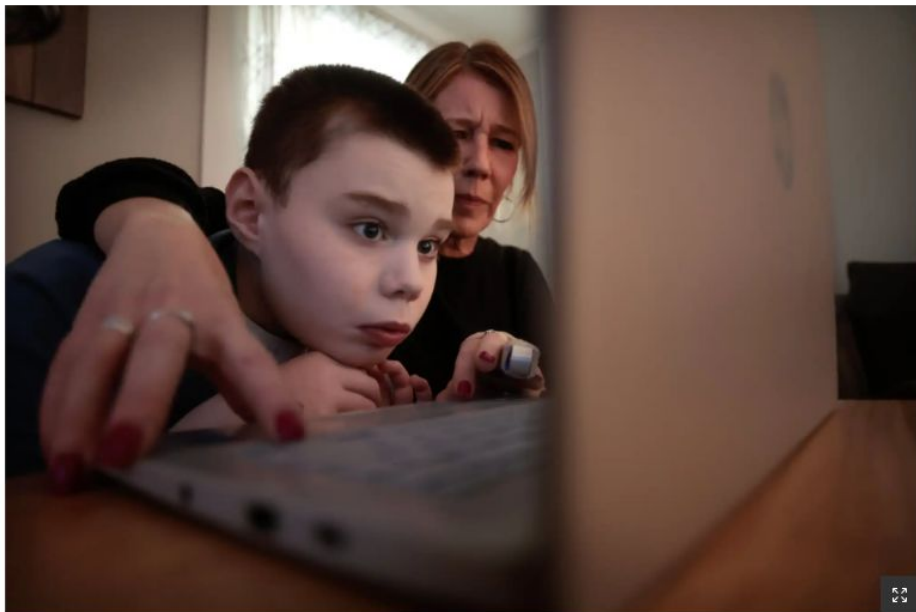
The Massachusetts Public Records Act requires a response to this request within 10 days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please call me if you have any questions.

Thank you in advance,





Jennifer Fowler helped her son Dante during his virtual, "morning meeting" at their home in Wakefield. Jen compared the "morning meeting" to the "circle time" he would have at school, when they discuss weather, emotions, the date, and day of week.



Jennifer Fowler (right) asked her son how he's feeling, and he responded with a card that reads "scared," during his "morning meeting" at their home.

Federal spending on special education falls far short of its 40% commitment

Fifty years ago, Congress committed to covering 40% of the extra cost needed to pay for educating students with disabilities, but it has never fully allocated the funds, leaving an annual shortfall of more than \$30 billion.

— Federal Percentage of Average Per Pupil Expenditure

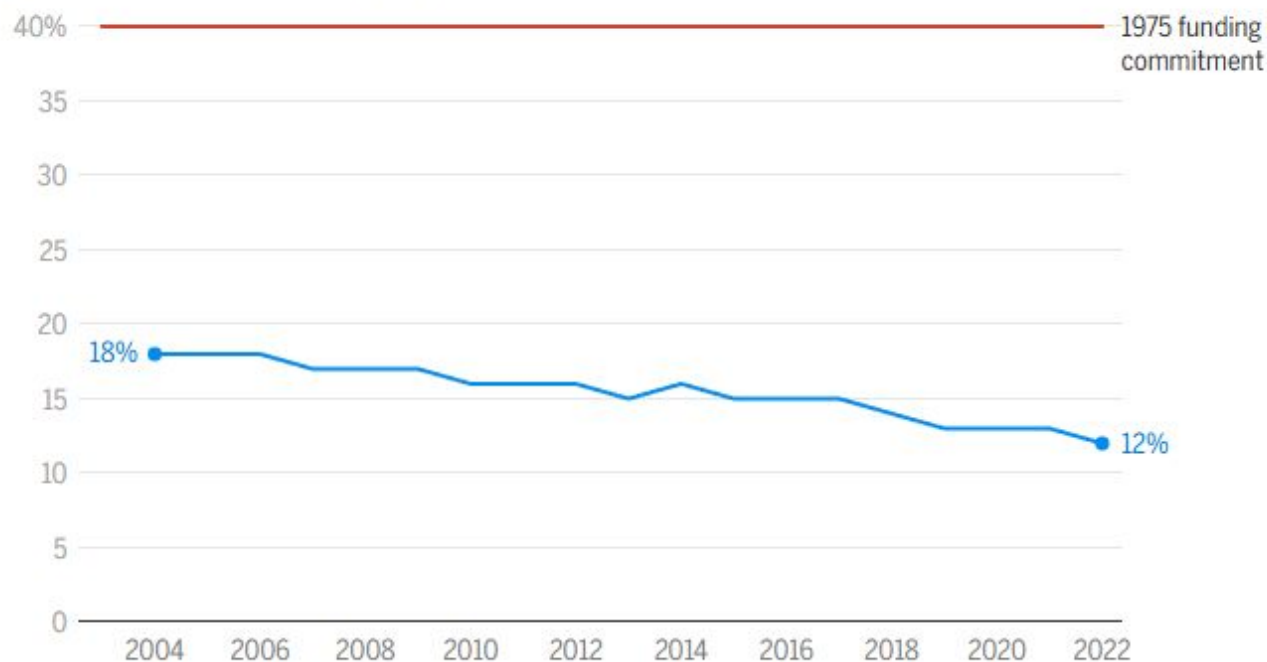


Chart: CHRISTOPHER HUFFAKER/GLOBE STAFF • Source: [Education Department](#)



Dante Fowler ran back to class with speech pathologist Marley Dutcher after a break on the playground at the Amego School in Franklin in April. After completing a series of lessons Dante is rewarded with a recreational period.