

## Special Education Legal Process: Resources and story starters

### CHILD FIND

The Individuals with Disabilities Education Act (IDEA) requires districts to proactively seek out and evaluate children who may need services — an obligation known as Child Find. There are variations in how states approach this, but all put the onus on the school system. Indeed, districts are supposed to perform this function for all children within their geographic boundaries, including those enrolled in private schools.

States are responsible for establishing the rules outlining how districts will fulfill Child Find and for reporting data on students being served to the U.S. Department of Education.

[Here](#) is one comprehensive, accessible overview:

It's not common, but sometimes states and districts include disability status in [individual school](#) accountability data — an incredible reporting tool.

Is your school or district meeting this most basic obligation? Two examples of issues you may find:

A decade ago, Brian Rosenthal, then at the Houston Chronicle, was a Pulitzer finalist for a series of stories documenting how Texas officials [violated Child Find](#) in an attempt to save money.

[This study](#) by Crystal Grant, director of the Children's Law Clinic at the Duke University School of Law documents disparities in Child Find identification by zip code.

### CHILD COUNT

- *NOT to be confused with Annie E. Casey's KIDS COUNT data, regardless of what Google thinks.*

Districts and states must report what is known as Child Count data, which documents how many children have been found eligible for services, their grade levels, diagnoses, race and other demographics.

This data also includes what federal setting level they are served in, which tells you how much of the school day students spend in a general education classroom, self-contained classroom or combination; put another way, how segregated they are.

IDEA says all students with an Individualized Education Program (IEP), the legal plan spelling out how the needs of children with disabilities will be met, should be served in the “least restrictive setting.” In level 1, students with IEPs spend less than 21% of their day outside the general education classroom. By level 4, students spend most or all of their time in segregated classes.

States don’t always make Child Count data easy to find. An alternative is the US Department of Education’s [IDEA Section 618](#) database. Data on children ages 3-21 are in Part B.

This data virtually always reveals disparities. Here are two good primers:

<https://www.childtrends.org/publications/5-things-to-know-about-racial-and-ethnic-disparities-in-special-education>

<https://ncld.org/wp-content/uploads/2025/09/2020-Significant-Disproportionality-in-Special-Education.pdf>

## **DISPUTE RESOLUTION**

IDEA obligates states to help parents who believe their children are not being served appropriately or adequately to resolve complaints with their school systems. The dispute resolution processes have never worked as Congress intended. This [74 Million investigation](#) explains how the process is supposed to work and shows where dispute resolution is and isn’t effective.

Also, states publish anonymized reports on the outcomes of some of these processes. These can be valuable for identifying districts that are repeat offenders.

[CADRE](#) is a nonprofit under federal contract to maintain research and datasets on dispute resolution.

## **PARENT TRAINING AND LEGAL ADVOCACY**

IDEA requires federal support for at least one advocacy organization in each state. This network has been targeted for cuts by the current federal administration. Most are stretched thin in the best of times. Having fewer advocates available will make it harder for families to understand and assert their rights.

You can find these organizations — along with private disability rights advocates and attorneys and research on common issues — at the [Council of Parent Attorneys and Advocates](#)’ member directory.

This chart shows how IDEA, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act [Differ](#).

## ACCOUNTABILITY DATA

Your state and local end-of-year assessment data is available by disability, among other demographics. What are the disparities between students receiving special education services and general education students? What about children of color with disabilities, homeless and highly mobile students and so on?

The [National Assessment of Educational Progress](#) — aka NAEP or the “Nation’s Report Card” — can also be disaggregated by disability status by state.

- A number of large school districts participate in a subset of the NAEP called the TUDA (Trial Urban District Assessment). If yours is one, see how it performs for kids with disabilities compared to national averages, similarly situated districts, etc.

## LAW AND EDUCATION TERMINOLOGY TO KNOW

Each word, e.g. “free and appropriate public education,” has a distinct history and purpose.

Unlike other reporting situations where a major concern is translating/eliminating jargon, it is crucial here to make sure you understand the significance of the terms BEFORE you seek to craft a lay-friendly explanation.

There are too many terms to memorize — at least when you are getting started — so bookmark go-to primers. Two to get you started:

- <https://www.ednavigator.org/resources/common-terms-you-might-hear-in-special-education>
- <https://www.smartkidswithld.org/getting-help/know-your-childs-rights/your-childs-rights-6-principles-of-idea/#:~:text=Under%20the%20IDEA%2C%20every%20child,employment%2C%20and%20independent%20living.%E2%80%9D>

## OTHER ORGANIZATIONS

If you are looking for background information on special education or a quote for an article, the following organizations have knowledgeable staff and are engaged in education policy work:

- [National Disability Rights Network](#)
- [Bazelon Center for Mental Health Law](#)
- [The ARC](#)
- [The Advocacy Institute](#)
- [The Council for Exceptional Children](#)
- [Center for Learner Equity](#)

### **DISABILITY STYLE GUIDES — and caveats!**

Disability style is very tricky. Usage preferred by one community can be seen as “deficit” language by another; e.g. “hearing-impaired” is typically regarded as more offensive than “hard of hearing” because of the concept of an impairment.

Familiarize yourself with the philosophies behind “person-first,” e.g. person who uses a wheelchair, and “identity-first,” e.g. autistic person, language. This is important not just as a way to ensure your stories reflect best practices, but because you will learn so much about a community and its history.

Ask, ask, ask: How does the person you are talking to identify?

Arizona State University’s Walter Cronkite School of Journalism regularly updates a widely used [style guide](#).

Don’t use the phrase special needs. Just don’t. If you *must* shorten a phrase or fall back on a second reference, “disabled child” is better.

### **FINALLY, A FUN RESOURCE!**

An absolute joy of a way to start getting up to speed on [disability culture](#) is the documentary Crip Camp.