

Education Writers Association

# Legal Process 101: How Special Education Cases Move Through the System

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# History & Genesis of Special Education Laws

Three landmark laws shape disability rights in public education

**IDEA**

**Section  
504**

**ADA**

# The Foundation of Special Education Rights

### FAPE — Free & Appropriate Public Education

Students who qualify as having a disability under IDEA are entitled to a FAPE at no cost to the family.

### FAPE Analysis May Cover:

- Identification
- Evaluation
- IEP Development
- Implementation
- Placement

## Anti-Discrimination Laws in Education

### Section 504

Rehabilitation Act of 1973

- Prohibits discrimination in public schools
- Requires reasonable accommodations
- Ensures equal access to education
- No cost to the family

### ADA

Americans with Disabilities Act of 1990

- Prohibits discrimination in public schools
- Also extends to some private schools
- Covers settings open to the public
- Broader scope than Section 504

# MJ's Story

A case study: navigating the special education system

10-year-old student with ADHD and a history of aggressive behavior. After attacking students and a teacher, MJ's principal referred him to the school board for expulsion — setting off a complex legal process.

# MJ'S JOURNEY THROUGH THE SYSTEM



**1**  
**Due Process  
Petition Filed**

**2**  
**IEP  
Developed**

**3**  
**Manifestation  
Determination  
Review (MDR)**

**4**  
**Trauma-  
Informed  
Care**

**5**  
**Placement  
Decision**

## **Due Process**

Formal hearing to resolve disputes between families and schools about a student's special education.

## **IEP**

Individualized Education Program — a legal document outlining the student's educational plan and services.

## **MDR**

Review to determine if the student's behavior was caused by or related to their disability.

# ALTERNATIVE ROUTE



**Student  
evaluated**

**IEP  
Developed**

**Free appropriate  
public education  
not provided**

**Due process  
petition filed**

**ALJ makes  
Decision**

## **Implementation**

Not following a student's IEP is a violation of FAPE

## **Appropriateness**

If the IEP does not effectively address a student's needs, FAPE is not provided

## **ALJ Jurisdiction**

- Hears cases involving special education
- Determines the prevailing party
- Issues remedies

# Complaint Processes Under the IDEA

 **Processes are state-specific**

Two pathways: State Complaints vs. Due Process

# STATE COMPLAINTS vs. DUE PROCESS | IDEA

Criteria	State Complaints	Due Process
Timeline	60-day investigation and decision	Civil trial*
Statute of Limitations	2-year statute of limitations*	2-year statute of limitations*
Who Can File	Anyone	Person filing must have legal standing
Evidence	State investigator requests supporting documents	Parties present exhibits and witnesses in court; discovery available*
Scope	Procedural violations of IDEA; systemic investigations	Any IDEA issue related to a specific child; petitioner has burden of proof

## COMPLAINT PROCESSES | Section 504 & ADA

01

### School District Grievance

Each district must have a Section 504 coordinator and a grievance procedure. Parents can file a complaint directly with the school or district.

02

### Office for Civil Rights (OCR)

File a complaint with the U.S. Department of Education's OCR. The OCR investigates and can require corrective action by the school.

03

### Federal Court

Families may also file a lawsuit directly in federal court, particularly for ADA claims seeking monetary damages.

# Supreme Court & Landmark Cases

Cases reach the Supreme Court on federal questions or circuit splits

**2013**

**2017**

**2023**

**2025**

# LANDMARK CASES — U.S. SUPREME COURT

2017

## Endrew F. v. Douglas County School District

*137 S. Ct. 988*

Clarified the FAPE standard: IEPs must be reasonably calculated to enable meaningful progress in light of the child's unique circumstances — not just minimal advancement.

**Key Impact: Raised the bar for IEP quality nationwide**

2023

## Perez v. Sturgis Public Schools

*143 S. Ct. 859*

Families no longer need to exhaust IDEA administrative remedies before filing an ADA lawsuit seeking damages.

**Key Impact: Opened the courthouse door for more disability discrimination claims**

## LANDMARK CASES — CONTINUED

2025

### **A.J.T. v. Osseo Area Schools**

*605 U.S. 335*

Rejected the heightened standard that required families to prove 'bad faith or gross misjudgment.' Schools are now held to the same standard as workplaces and public services — deliberate indifference.

**Key Impact: Landmark win for disability discrimination claims; easier for families to prevail**

2013

### **K.M. v. Tustin Unified School District**

*725 F.3d 1088 (9th Cir.)*

Schools must satisfy ADA requirements independently of IDEA compliance. For a deaf student, the ADA's broader 'effective communication' standard applied — not just the IDEA's appropriate education standard.

**Key Impact: ADA can require more than IDEA compliance; families have a second legal avenue**

# Where to Find Expert Sources

A reporter's guide to finding credible voices in special education law

# SOURCING GUIDE FOR REPORTERS

## Law Schools

Contact communications departments to find faculty experts in school finance, special education, Section 504/ADA, and higher education law.

## Law School Clinics

Often have more hands-on practice experience and local connections than doctrinal faculty.

## Protection & Advocacy (P&As)

National Disability Rights Network is the national umbrella organization. Every state has its own P&A office with local expertise.

## State Bar Education Sections

Connect with attorneys who specialize in education law in your state.

## U.S. Government Accountability Office (GAO)

Federal reports on special education policy, compliance, and outcomes data.

## CADRE

Center for Appropriate Dispute Resolution in Special Education — focuses on dispute resolution under IDEA.

# Tips for working with sources:

- **Build relationships early**
- **If you can, share the context of your story, you will get more precise information**
- **Keep your word!**
- **Follow up by sharing your piece once it is written**

# Thank You

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Questions?

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