

## Addressing Special Education Disputes at The Lowest Level Appropriate: Avoiding Due Process

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*As we present, please feel free to complete this handout.*

**Discussion:** Talk to your neighbors about your experiences with family-school disagreement, dispute resolution & due process.

### Angie's Study focused on 2 Research Questions:

- RQ1: What were the experiences of \_\_\_\_\_ after receiving requests for due process hearings?
- RQ2: What leadership actions did \_\_\_\_\_ take to increase cooperation and mitigate conflict between families and schools?

### What do you think are....

1. The pros and cons of attorney engagement in special ed disputes?
2. Negative consequences that could arise even when a settlement is reached?

### The 4 Proactive Leadership Actions:

1. Build Relationships
2. Use \_\_\_\_\_ to resolve conflict
3. Understand concerns of \_\_\_\_\_
4. Train stakeholders
  - \_\_\_\_\_ literacy

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### PreTest Your Special Education Legal Knowledge

1. Fill in the blanks to complete key terms:

FAPE = F \_\_\_\_\_ A \_\_\_\_\_ P \_\_\_\_\_ E \_\_\_\_\_

LRE = L \_\_\_\_\_ R \_\_\_\_\_ E \_\_\_\_\_

FBA = F \_\_\_\_\_ B \_\_\_\_\_ A \_\_\_\_\_

2. T or F: All students with disabilities are eligible for special education and related services.

3. To qualify for special education & related services under IDEA, a student must:
    - a. be classified with one of 14 disabilities
    - b. have a physical or mental impairment that substantially limits one or more of the major life activities
    - c. be classified with one of 14 disabilities and must also be in need of special education and related services
  
  4. Approximately \_\_\_\_\_% of public school students receive spec. ed. & related services under IDEA.
  
  5. Circle ALL the federal laws providing protections or entitlements for students with disabilities.
    - a. Individuals with Disabilities Education Act
    - b. Access for Students with Disabilities Act
    - c. Americans with Disabilities Act
    - d. Section 504 of the Rehabilitation Act
    - e. Manifestation Determination Act
  
  6. T or F: Special education is the most litigated area of education lawsuits.
  
  7. When IDEA was enacted, Congress stipulated federal gov't would pay \_\_\_\_\_% of average per pupil expenditure for students w/disabilities; however, Congress has never appropriated that amount.
  
  8. Circle ALL that are key elements of IDEA:
    - a. Reduced Academic Expectations
    - b. Zero Reject
    - c. Accommodations for Students with Severe Food Allergies
    - d. Procedural Safeguards
  
  9. A manifestation determination is
    - a. A meeting of the principal and school personnel to determine a student's IEP.
    - b. A meeting of a student's IEP team to determine whether their misbehavior was 1) a result of their disability and/or 2) a result of failure to properly implement IEP.
    - c. An evaluation of a student who is suspected of having a disability to determine whether they are eligible for special education and related services.
  
  10. T or F: Under IDEA, students with disabilities can never be removed from their special education & related services for more than 10 days.
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**Legal literacy** is “the legal knowledge, understanding, and \_\_\_\_\_ that enable educators to apply relevant legal rules to their everyday practice. Those who are legally literate are able to \_\_\_\_\_ legal issues, identify applicable laws or legal standards, and apply the relevant legal rules to solve legal dilemmas” (Decker & Brady, 2016, p. 233).

**What questions/comments do you have?**