



Practical Strategies for School Leaders to Prevent and Navigate Future Conflict

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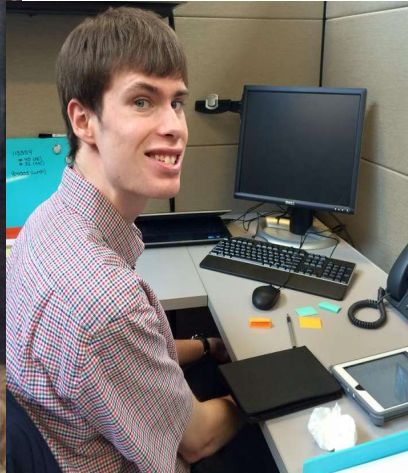
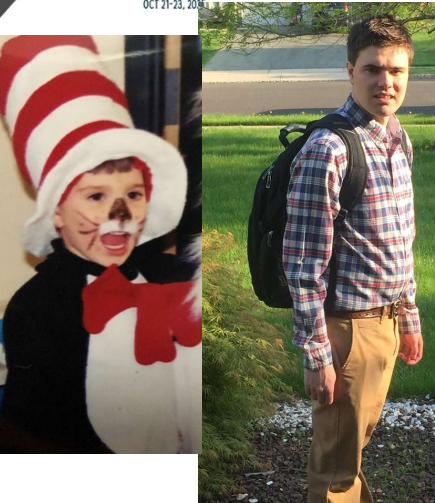
Research: Special education dispute resolution
and collaboration

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Objectives

- 1) Describe 5 common special education issues that often lead to lawsuits or conflict.
- 2) Identify at least 3 strategies that school leaders can implement to prevent or mitigate conflict.
- 3) Gather multiple resources that can be shared with school leaders and colleagues to increase their legal literacy and practical toolkit.



Overview: 5 Topics to Prevent or Mitigate Litigation

- Today's presentation is organized around 5 Special Education Topics that school administrators are currently facing.
- We'll introduce each topic with a scenario based on current case law, then provide practical recommendations to prevent or mitigate disputes & litigation.
- We'll share resources related to each topic



TOPIC 1: Adversarial IEP Meeting



Adversarial IEP Meetings Scenario

Skit Based on Case Law





Legal: IEP Mtgs

- Ensure Public Agency Representative (PAR) & other required team members attend (*Pitchford v. Salem-Keizer Sch. Dist.*, 155 F.Supp.2d 1213, D. Ore. 2001; *Spielberg v. Henrico Co. Pub. Schs.*, 853 F.2d 256; 4th Cir. 1988).
- Watch that IEP is not predetermined without *any* parental input (*Berry v. Las Virgenes Unif. Sch. Dist.*, 9th Cir. 2010, unpub., But see *J.S. v. New York City Dept. of Educ.*, S.D. N.Y. 2017).
- Avoid due process hearings & subsequent litigation because...

Litigation is time-consuming, expensive, & emotionally-draining

1st

- Before disagreements arise, foster positive school-family relationships & facilitation (IEP meetings)

2nd

- After “**due process**” is filed...
 - Resolution Session &/or Mediation

3rd

- Due Process Hearing by Administrative Law Judge (“ALJ”) or Impartial “Hearing Officer”

4th

- Appealed to state level review officers (only some states require this level)

5th

- Only after going through administrative review, can parents/schools appeal to state or federal court = “**exhausting administrative remedies**”



IEP Mtg Practical Recommendations: Mind Your P's

- **Policies, Procedures, & Processes**

- Case conference agenda
- Notes templates
- Conference scheduling/mapping
- Handbooks & training resources

- **People**

- Training for admin, teachers so they all know their role
- Support
- Manageable caseloads



Family-Professional Partnership Checklist

Family-Professional Partnership Checklist

This tool summarizes six core dimensions of effective family-professional partnerships. Each dimension includes 'Look-Fors' and 'Red Flags.' School leaders should use it as a reflection tool during professional development, IEP meetings, or staff coaching to ensure the development of trusting relationships between families and school personnel.

Dimension	Look-Fors (Positive Indicators)	Red Flags (Warning Signs)
Communication	• Frequent, clear, jargon-free • Honest and tactful • Two-way listening • Information proactively shared	• Hidden information • Overuse of jargon • Parents feel not listened to • Families 'stumble' onto resources
Commitment	• Work seen as more than a job • Accessible, flexible, consistent • Encouragement for family and child • Personal investment in outcomes	• Minimal effort – just 'checking boxes' • Treating child/family as a case, not people • Avoiding extra effort or support
Equality	• Parents empowered in decisions • Professionals validate family expertise • Collaboration without 'turfism' • Shared power at the table	• Professionals dominate decisions • Parent voices dismissed • 'Clout' or authority used against families • Team members territorial
Skills	• Competent and confident in roles • Adaptable to child's needs • High expectations for child's growth • Ongoing learning and openness	• Low or no expectations for child • Inflexibility in strategies • Unwillingness to learn • Ignoring whole child/family context

CADRE: Engaging Parents in Productive Partnerships

Help People Be at Their Best

It is both considerate and sensible to schedule and plan meetings so critical members of the team are able to attend and participate fully. This means scheduling meetings at times and locations that are convenient for all participants. Being attentive to this detail can significantly improve the likelihood that everyone who needs to attend will be present and able to focus on the student and his or her needs. It is also important to allow enough time to accomplish the objectives of the meeting. Otherwise, discussions and decision-making may be disjointed or incomplete. Sometimes the use of scheduling software programs can simplify this task.

Even though we may be physically present in a meeting, all of us experience times when our capacity to engage with others and focus fully on complex problems is limited. We may be troubled by physical conditions (hunger, forgotten medication, plunging nicotine levels, need for a bathroom break, etc.) or pressing issues (cell phone that keeps buzzing with an urgent call, sick child at home, etc.) that adversely affect our ability to concentrate and contribute. At moments during meetings when any participant seems distracted or distressed, a brief break can afford an opportunity to get back on track. Attention to your own needs, as well as those of others, is helpful for the whole team.



[Resource Link](#)



IEP Mtg Practical Recommendations: Two Basic Paths

Path 1: Concerns arise during Meeting

- Establish and review the [IEP Agenda](#)
- Allow parents time to share concerns
 - Listen, don't respond
 - Let them vent, it's not personal
- Establish 2-3 **ACTIONABLE** items from concerns
- Let parent(s) know where in the IEP agenda we'll address these actionable items
- Review [1:1 Aide Worksheet](#) with IEP
- Be the parent's voice to identify and address concerns

Path 2: You Know of Concerns

- Schedule meeting to talk with parent(s) 1:1
- Let them vent and get EVERYTHING out
- Write notes on paper so they witness your engagement in their concerns
- Review [1:1 Aide Worksheet](#) w/ parents
- Identify 3-4 **ACTIONABLE** items
- Staffing with CCC school team prior
 - Let them vent if needed
 - Work through reasonable plans to address parent(s) concerns
 - Have a few options ready to talk with parent(s) about at IEP mtg



IEP Mtg Practical Recommendations: Managing the Conference

Emotions cloud realities on all sides

- Get to true concerns that are ACTIONABLE
- Allow CCC time to process emotions prior to meetings

Be the voice for concerned parents at the CCC

- They may not always articulate concerns well in a group setting

Guide all discussions towards ACTIONABLE plans

- The CCC can get lost going down rabbit holes of emotion

Be HUMAN at all times

- Never forget that this is someone's child at the center this



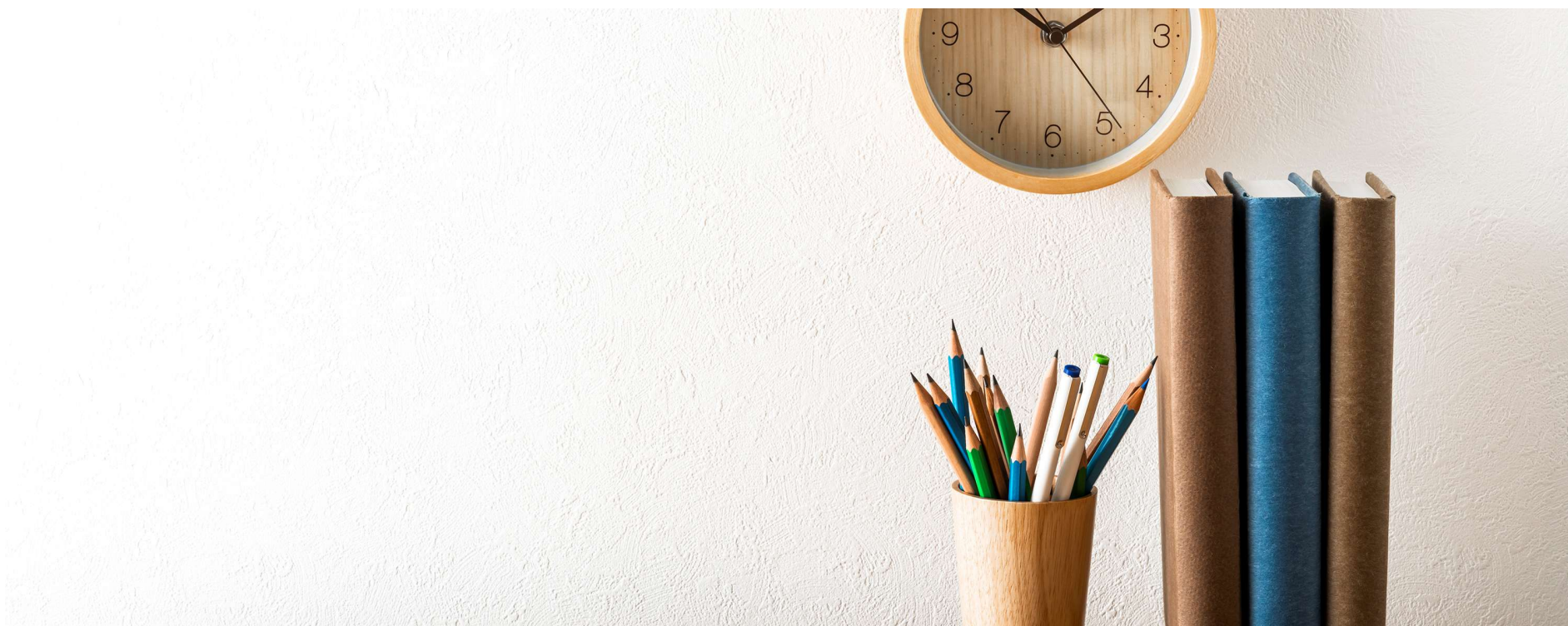


IEP Mtg Resources to Share

- Wolfsheimer, J., Decker, J. & Lewis, M. (2023). [Dismantling ableism by promoting student participation in IEP meetings.](#) *NAASP's Principal Leadership.*
- [Chalk & Gavel](#) Podcast: [Inappropriate Goals and Inadequate IEPs](#)
- Umpstead, R., Decker, J., Brady, K., Schimmel, D. & Militello, D. (Aug, 2015). [How To Prevent Special Education Litigation: Eight Legal Lesson Plans.](#) *Teachers College Press.*



TOPIC 2: Discipline & MDR Procedural Mistakes



Discipline Scenario

- When KJ is in kindergarten, mom requests special education evaluation due to daughter's academic & behavioral issues at school. Mom makes appointment with outside psychologist who diagnoses KJ with ADHD. Student receives interventions at school, but school determines special education/IEP is not needed.
- When KJ is in 3rd grade, school becomes concerned because KJ is laughing & moving around the room at inappropriate times, physical aggression, & appearing to talk to someone who was not present. School refers KJ to outside mental health agency.
- KJ is suspended & ultimately expelled for threatening behavior (*Jackson v. Nw. Local Sch. Dist.*, 2010 WL 3452333, S.D. Ohio Aug. 3, 2010).



Discipline: Legal Recommendations

- Ensure schools are providing behavioral interventions
 - See *Metro. Bd. of Pub. Educ. v. Bellamy*, 116 F. App'x 570, 6th Cir. 2004 (affirming that school's failure to develop a behavior plan contributed to a denial of FAPE). But see *J.S. v. N.Y.C. Dep't of Educ.*, 104 F. Supp. 3d 392, S.D.N.Y. 2015 (holding district's failure to provide FBA & BIP did not constitute a FAPE violation), *aff'd*, 648 F. App'x 96 (2d Cir. 2016).
- Educate clients that Manifestation Determination Reviews may be required for students who have not yet been identified as students with disabilities
 - (*Richland Sch. Dist. v. Thomas P.*, 00-C-0139-X W.D. Wis. 2000).



Discipline: Practical Recommendation

Slow down the manifestation train!

Begin with the end in mind...Litigation Mitigation

Key Performance Indicator (KPI): Total number of MD conferences held annually

Why it matters: Many due process requests and complaints originate from discipline matters resulting in OSS/Expulsion/Etc.

Why it REALLY matters: The less MD conferences we are holding means the more we are KEEPING STUDENTS WITH EXCEPTIONAL NEEDS IN SCHOOL BUILDINGS



Discipline Practical Recommendations: Establishing Realities

Directors need to build a comprehensive understanding of special education laws and current landscape realities with administrators and superintendents, so they are fully aware of the following

- a.) Placement responsibilities of the school if they can't educate the child locally
- b.) Financial realities of your state's excess cost system
 - I will generally equate this to what the school will lose in staffing when \$\$\$ have to pay for legal fees and placement options
- c.) Financial realities of legal proceedings
- d.) Corrective action realities of being found in significant disproportionality



Discipline Practical Recommendations: Systems-level Approach to Navigating Suspension Days

Days 1-3: Stay in close contact with family and team.

- Implement FBA/BIP if necessary

Days 4-5: Schedule a case conference to review plans.

- Adjust BIP
- Add/revise services
- Revise SDI for behavior goals

Days 6-7: Schedule another case conference to review plans.

Days 8-9: Schedule another case conference to review plans.

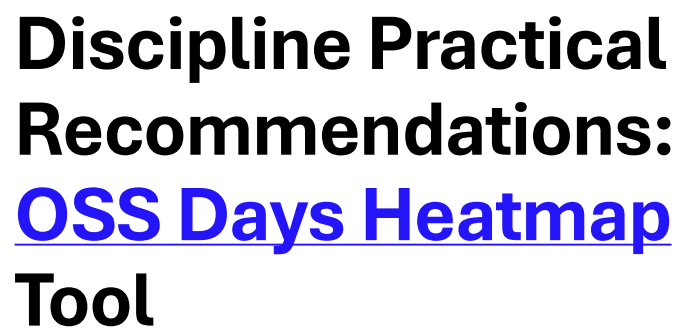
Day 10: Schedule a Manifestation Determination Conference

- Must be held within 10 days of 10th day of suspension
- Document your due diligence through the IEP process*



When your colleague says- “That's a lot of meetings!”

- This is likely impacting 2%-3% of a caseload
- These are the situations generally leading to due process
- Documented ISSUES need documented SERVICES
- It's easier to maintain a relationship than to rebuild it...keep the parents involved and a systematic process helps take emotion out

23



Discipline Resources to Share

- Decker, J., Snyder, N., & Dieterich, C. (2023). [Discipline of students with disabilities who exhibit violent & disruptive behavior](#). *NAASP's Principal Leadership*.
- Decker, J., Hoffmann F., & Eckes, S. (2018). [Behavior Intervention Plans: More important than ever after Endrew](#). *NAASP's Principal Leadership*.



TOPIC 3: Failure to Identify Students with Hidden/Invisible Disabilities



Identification Scenario

- A school decided that it could no longer enroll a student whose life-threatening asthma was aggravated by an allergy to scents.
- The family claimed that the school violated Section 504 by not providing their daughter with a scent-free environment to accommodate her asthma. (*Hunt v. St. Peter School*, 963 F. Supp. 843, W.D. Mo. 1997).



Legal Recommendations

- Increase awareness of students with hidden disabilities like anxiety disorder, PTSD, depression, eating disorders, & other mental health concerns, as well as medical issues like diabetes, seizure disorders, & asthma.
- Educate **all school employees** of their legal obligations surrounding Section 504 of the Rehabilitation Act of 1973 & the Americans with Disabilities Act.



Identification Practical Recommendations

- **Establish Systems**
 - Have a system for tracking 504's
 - Training & procedures
- **CASE 504 Resources ([available here](#))**
 - Section 504 Process Manual
 - 504 laminated guides
 - Virtual 504 training



Identification Resources to Share

Jay, L. & Decker, J. & Paige, M. (2024). [Epilepsy: The hidden disability](#). *NAESP's Principal Magazine*.

Decker, J. & Supergan, E. (2025). [Legal responsibilities for students with asthma](#). *NAASP's Principal Leadership*.

VanSlambrook, G., Kelly, M., & Decker, J. (2024). [Students with anxiety disorders in private and public schools](#). *NAASP's Principal Leadership*.

Klineline, D. & Decker, J. (2024). [Students with PTSD and the law](#). *NAASP's Principal Leadership*.

Decker, J., Dowling, T., & Eckes, S. (2017). [Nut-free zones & other legal protections for students with allergies](#). *NAASP's Principal Leadership*.

Decker, J., Brown, T. & Eckes, S. (2017). [Student substance abuse & dependency: Legal & ethical responsibilities](#). *NAASP's Principal Leadership*.



Topic 4: ALL STAKEHOLDERS Need to Be Legally Literate



Legal Literacy Scenario

- The district & building level leadership teams (i.e., superintendent & principals) have completed one school law course, but none of the myriads of other school employees have.
- Media is circling around the school after discovering that one of the district's students suffered nearly fatal injuries after a teaching assistant physically restrained him. The 16-year-old boy with autism suffered fractures in both of his femurs & is in intensive care for weeks, & underwent a transfusion for blood loss. Yetter & Ross, *JCPS Pays \$1.75M after Boy's Legs Broken*, COURIER-J. (May 26, 2016), www.courier-journal.com/story/news/education/2016/05/27/jcps-pays-175m-after-boys-legs-broken/84916428/)

Legal Literacy Matters

Research documents that even with these courses, school leaders are legally illiterate.

- (Militello, Schimmel & Eberwein, *If They Knew, They Would Change: How Legal Knowledge Impacts Principals' Practice*, 93 NAT'L ASS'N SECONDARY SCH. PRINCIPALS BULL. 27, 2009).

Teachers are also woefully unprepared in understanding their legal obligations.

- (Schimmel & Matthew Militello, *Legal Literacy for Teachers: A Neglected Responsibility*, 77 HARV. EDUC. REV. 257, 2007; Summers, Kiracofe, & James, *Legal Literacy and K-12 Public School Teachers*, 32 MID-WESTERN EDUC. RESEARCHER 330, 2020).

Yet, teaching school employees about the law reduces anxiety & increases confidence.

- (Decker, Ober, & Schimmel, *The Attitudinal and Behavioral Impact of School Law Courses*, 14 J. OF RSCH. ON LEADERSHIP EDUC. 160, 2019).

Leaders & employees WANT to know more about the law!

- 64% of surveyed teachers were concerned about the risk of lawsuits or legal challenges. Nearly two-thirds were equally or more concerned about legal issues than they were about the results of standardized tests.
 - Ian Call & Jason O'Brien, *Secondary Preservice Teachers' Knowledge of the First Amendment*, 38 TEACHER EDUC. Q. 115 (2011).



Legal Literacy Recommendations

- All stakeholders (school employees, parents, & others) must proactively increase their legal literacy to prevent legal violations from occurring.
- Sometimes this means making others' aware of their need to better understand the law and/or sharing resources so that they are better informed.



Legal Literacy Practical Recommendations

Train all staff to 1) know their role and 2) level up concerns

Local systems of de-escalation training (and holds)

- CPI type programming annually and ongoing
- This is a big enough area that districts should have a true coordinator
- Goal to have ALL staff trained is not unreasonable
 - Teachers
 - Paras
 - Support staff(library, office, lunchroom, custodian, etc.)



FAPE Compass

- Your district-specific special education implementation coach
- Empower your team & increase legal literacy with real-time support
- Staff development & training tool
- Secure & FERPA Compliant

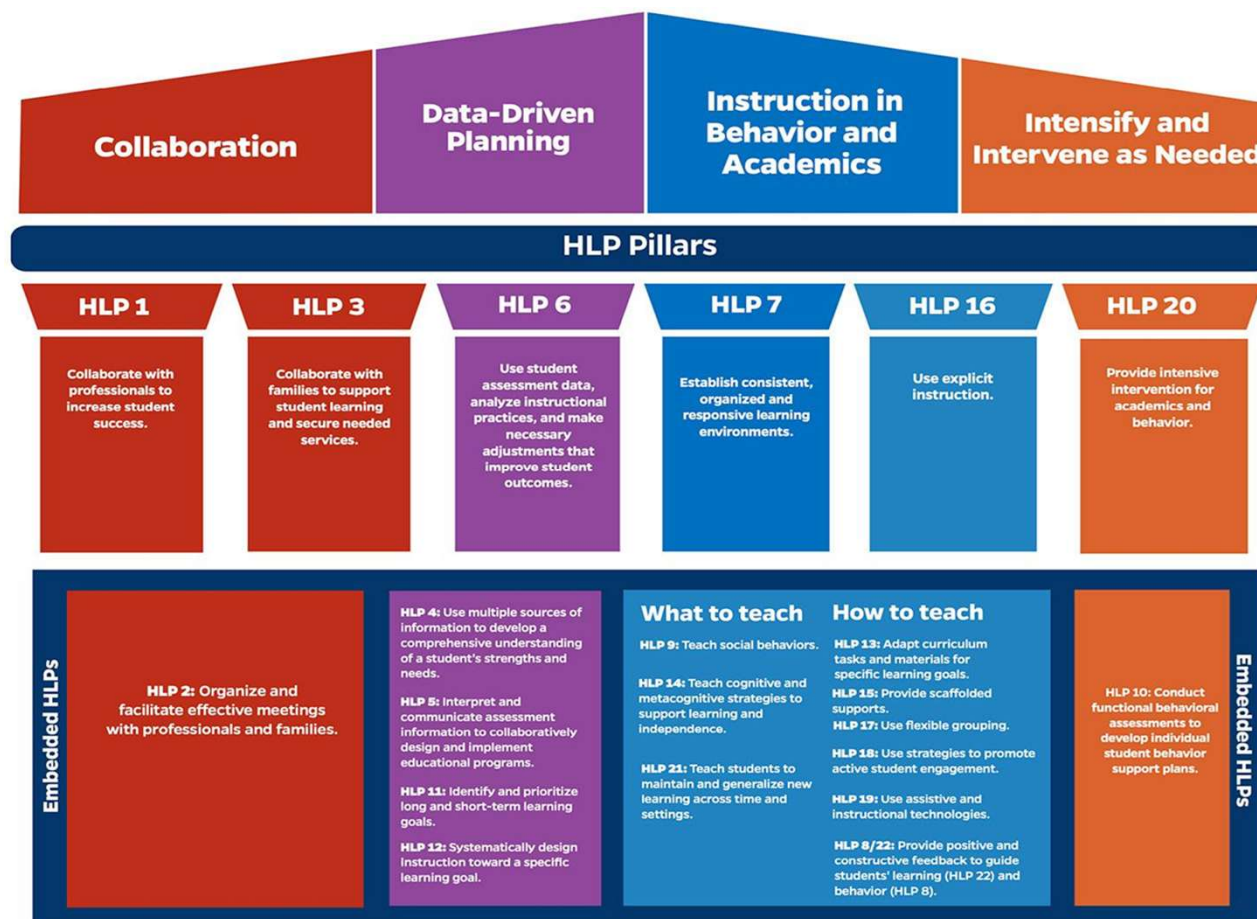




Gain Legal Literacy: Professional Associations

- **Council for Administrators of Special Education**
 - [Law & Leadership Conference](#)
 - April 21-23, 2026 in Atlanta, GA
- **Education Law Association**
 - [72nd Annual Conference](#)
 - Nov. 5-8, 2025 in Kansas City, MO

CEC's High Leverage Practices





HLP Implementation Resources

- [A Professional Development Guide for School Leaders](#)
- [HLP Leadership Guides](#)
- [The relationship between HLP's and Evidence-Based Practices](#)
- [HLP's for Students with Extensive Support Needs](#)



CEC: FREE Paraeducator Training

- Enhanced knowledge and skills of the paraeducator role as part of the special education team
- Examine the paraeducator role in providing instructional support
- Illustrate the connection between social and emotional learning, self-management, and the paraeducator



[Resource Link](#)





Legal Literacy Resources to Share

- [Chalk & Gavel](#) Podcast: [FAPE & Special Education Acronymns](#)
- Decker, J., Bridgham, K., Lewis, M. & Seaton, A. (2024). [An increase in Section 504 Litigation: What school leaders should know.](#) *NAASP's Principal Leadership*.
- Decker, J. & Thomas, C. (in press, 2024). **Strategies to increase school leaders' legal literacy.** *The Principal's Legal Handbook*. (7th ed.). Education Law Association.
- Tanner, A., Decker, J., & Eckes, E. (2021). [Legal literacy & the school nurse.](#) *NAASP's Principal Leadership*.

Topic 5: Staff Shortages





Personnel Shortage Scenario

- **Special education teachers are resigning in part because of adversarial relationship with families & lack of support.**
 - 70% of schools surveyed said they had openings for special education teachers
 - See 8 min. PBSNews 2024 Video about **What's driving a special education teacher shortage and how schools are responding**



Current Context of the Underfunded Mandate of IDEA

Headlines to *Education Week* articles that we highly recommend:

[Special Education Is Broken](#)

[Shortage of Special Educators Adds to Classroom Pressures](#)

[Special Education Plagued by Faulty Teacher Data](#)

Or listen to this podcast: [Unprepared Teachers and the Special Educator Shortage](#)



Attract, Prepare, Retain

- **Attract**

- Alt Routes to Certification
- Changing Public Perceptions
- Funding & Loan Forgiveness
- Grow Your Own

- **Prepare**

- Micro credentials
- Practice-Based Opportunities
- Residencies
- Simulations

- **Retain**

- Enhancing Professional Leadership
- Induction & Mentoring
- Ongoing Professional Learning
- Professional Empowerment
- Supportive Workplace Environments

[Resource Link](#)



National Coalition on Personnel Shortages in Special Education and Related Services

ADDRESSING THE SHORTAGE OF SPECIAL EDUCATION PERSONNEL



Implement national models of practice



Develop partnerships with local universities



Increase PD opportunities



Increase access to coaching and mentoring



Make salaries competitive and create new positions



Free up time for prevention and intervention

For more information visit the National Coalition on Personnel Shortages in Special Education and Related Services website at www.specialedshortages.org



National Coalition on
**Personnel Shortages
in Special Education
and Related Services**

Specialedshortages.org



Address Working Conditions

- Meet people where they are at and treat them like the golden unicorns they are!
- Address Working Conditions (caseloads, leadership support)
- RESPECT Survey
 - [Lead IDEA Center, Special Educator Retention Navigator](#)



[Link to Dr. Bettini](#)



Personnel Shortage Resources to Share

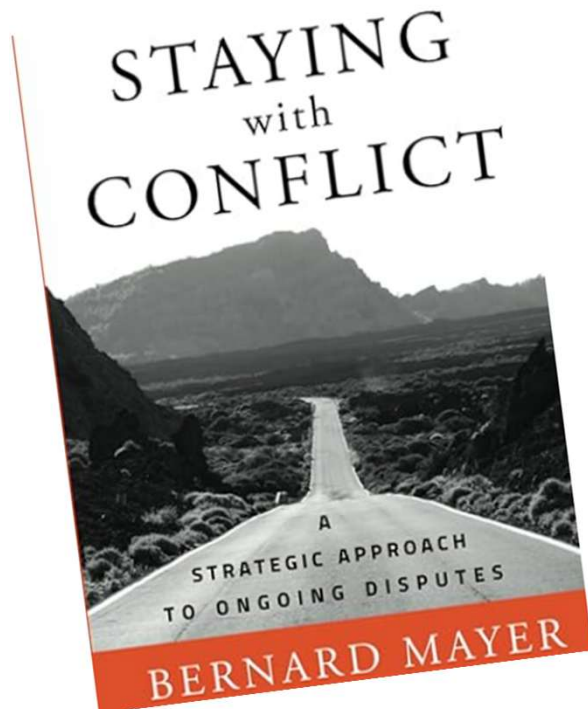
- [Why Special Education Teachers Quit and What Schools are Doing about it](#)
- [Article Discussing Staff Shortages & Current Litigation](#)



Mitigating Conflict in Special Education



Staying with Conflict



Mayer, B. (2009). *Staying with conflict: A strategic approach to ongoing disputes*. Jossey-Bass.

Enduring Conflict

- Deeply rooted
- Identity based
- Value driven
- Embedded in structure
- Systemic and complex
- Rooted in distrust
- Involves fundamental issues of power



Staying with Conflict, Bernard Mayer



Accepting Enduring Conflict

- Recognize that conflicts in special education often stem from systemic issues such as limited resources, personal identities, and structural rules that are inherent and ongoing.
- Develop systems that acknowledge these conflicts as part of the landscape, rather than exceptions to be quickly resolved or eliminated.



Supporting People to Engage with Enduring Conflict

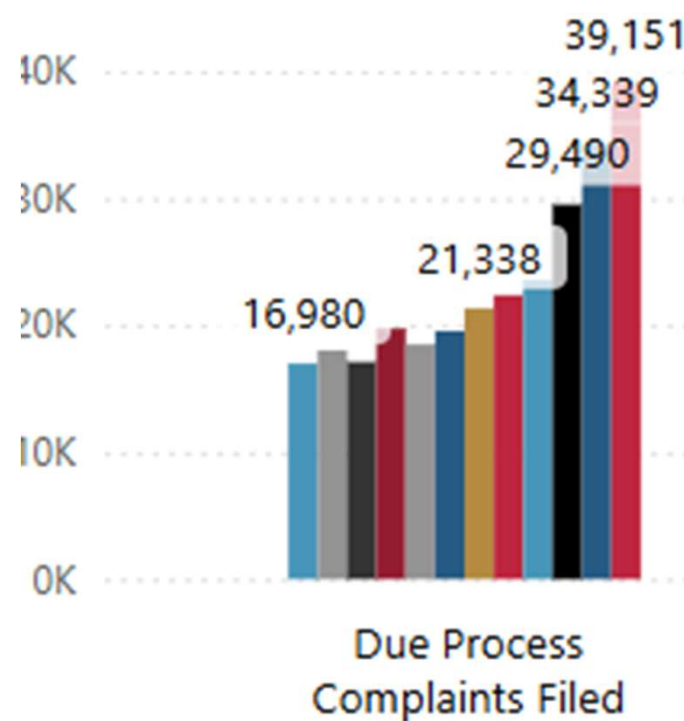
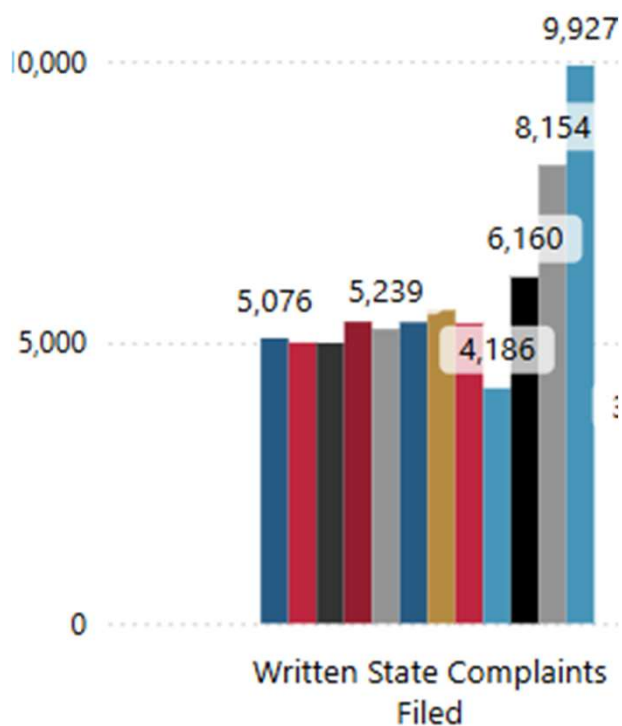
- Remain engaged
- Work on the problems
- Relate to the people we are in conflict with
- Communicate about conflict
- Deepen our understanding about how other think about the issue
- Develop the emotional and intellectual capacity to live with enduring conflict
- Look for areas where progress can be made



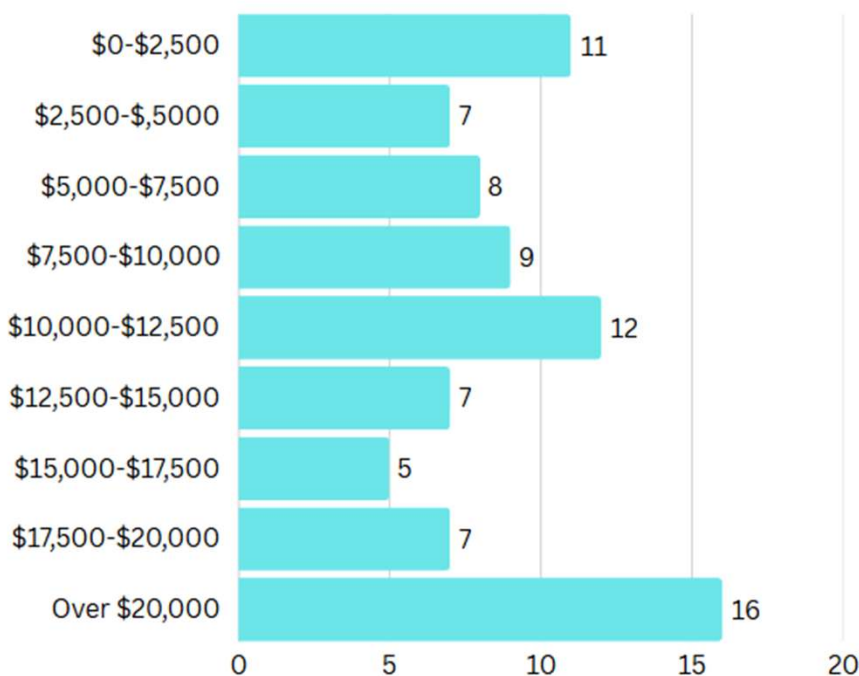
How important is trust?



Increasing Special Ed Disputes



What are disputes costing schools?



Average Procedural Cost for each due process hearing request in Indiana.

\$16,666

* Data from a soon to be published study from Indiana State University



Mitigating Legal Risks in Special Ed



THE DRIVERS & LEVERS of SPECIAL EDUCATION LEGAL COSTS

Are you **concerned** with the **increasing** costs of special education legal fees?



Connect with Dr. Angie Balsley to **understand** the drivers and **engage** the levers to **lower** special education legal costs



Strategic Leadership Objectives

1. **Deepen** understanding of cost drivers
2. **Learn** levers to lower costs
3. **Assess** your current use of levers
4. **Gain** resources to implement levers
5. **Create** an action plan to lower special education legal costs

Target Stakeholders: School leaders, attorneys, insurance brokers



Connect with Angie
angie@unifiedleadership.org
574.933.3705
www.unifiedleadership.org



Sample Levers of Mitigating Special Ed Legal Costs

Drivers & Levers of Special Education Legal Costs

Lack of Trust Between Families & Schools

Meaning: when families do not trust that schools are acting transparently, respectfully, or in their child's best interest, disputes escalate quickly into complaints, mediation, or due process hearings.

Levers: Actions that build transparency, relationship quality, responsiveness, and shared understanding.

Lever	Description
Proactive, Ongoing Communication	Create regular, proactive communication loops — not just at IEP meetings. Examples: positive calls home, newsletters, classroom updates.
Rapid and Visible Follow-Through	When you promise something to a parent — even something small — do it quickly and visibly. Follow-through builds trust more than words.
Offer Relationship-Building Opportunities Outside of Conflict	Host informal gatherings (e.g., coffee chats, disability awareness fairs, family nights) where families can interact with educators in low-stakes environments.



ADDITIONAL RESOURCES





www.cadreworks.org



The Center for Appropriate Dispute
Resolution in Special Education

Supporting the prevention and resolution of disputes through partnership and collaboration

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[About Us](#) ▾ [CADRE Continuum](#) ▾ [Improving Your System](#) ▾ [Resources](#) ▾ [For Families](#)

[For Districts](#) [For EIS Providers](#)



CADRE works

CADRE works to
increase the nation's
capacity to prevent and
resolve special
education and early





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CADRE Continuum of Dispute Resolution Processes & Practices

Levels of Intervention	Prevention				Disagreement		Conflict			Procedural Safeguards				Legal Review				
Assistance/ Intervention Options	Family Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third Party Opinion/Consultation	Resolution Meeting	Mediation Under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Third-Party Assistance										Third-Party Intervention							
	Decision Making by Parties										Decision Making by Third-Party							
	Interest-Based Focus										Rights-Based Focus							
	Informal & Flexible										Formal & Fixed							



CADRE's Interactive Data Dashboard

School Year

State/Entity

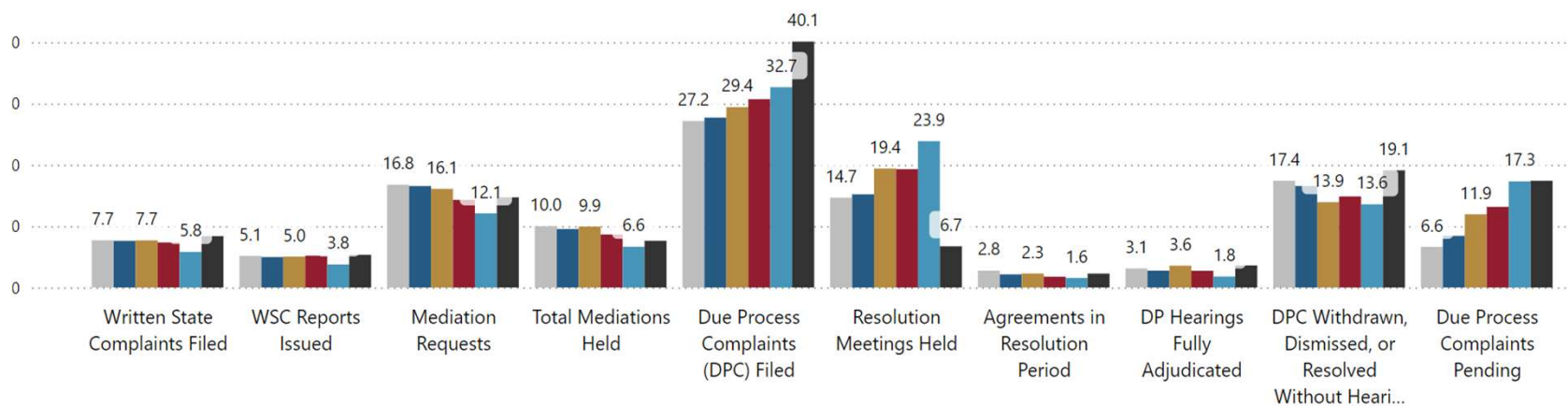
Multiple selections ▼

U.S. and Outlying Areas ▼

Dispute Resolution Activity by School Year | Per 10K Child Count

Per 10K Child Count: U.S. and Outlying Areas

2016-17 2017-18 2018-19 2019-20 2020-21 2021-22



Relative Use of Dispute Resolution Options by School Year | Per 10K Child Count

[Resource Link](#)





CADRE's For Districts Webpage



<https://www.cadeworks.org/for-districts>





CADRE's Building Local Level Capacity Portal



<https://www.cadeworks.org/dr-coordination-leadership/building-local-level-capacity>





CADRE's District Self-Assessment for Collaborative & Early Dispute Resolution Processes



<https://www.cadeworks.org/resources/cadre-materials/district-self-assessment-for-collaborative-and-early-dispute-resolution>



CADRE Resources To Share

- [Guiding Principles of Collaborative Advocacy](#)
- [Understanding Dispute Resolution Options](#)
- [Working Together Series](#)

NEW for School Districts!!!

- [District Resource Page](#) on the CADRE website
- More resources in development



CADRE Resources To Share With Families

- [CADRE webpage for Families](#)
- [IDEA Dispute Resolution Parent Guides and Companion Videos](#)
- [Communicating with Your Child's School](#)

MAPPING
THE
FUTURE



REDISCOVERING
OUR
PURPOSE

