

Introduction

If you are the parent of a child with a disability, you represent your child's interests. To effectively advocate for your child, you need to know about recent legal developments and decisions that may affect your child's educational program.

If you work as a teacher, related service provider, or school administrator, you want to know about new developments in special education law.

If you are an attorney or advocate who assists children with disabilities and their families, you have a responsibility to stay current on special education caselaw and other legal issues that affect children with disabilities and their families.

Wrightslaw: Special Education Legal Developments and Cases 2018 focuses on recent developments and decisions in special education law. You will learn about the impact of two cases decided by the Supreme Court of the United States (SCOTUS) in 2017: *Fry v. Napoleon*¹ ([Link here](#)) and *Andrew F. v. Douglas Co. Sch. RE-1*.² ([Link here](#)) You will also learn about the five Cases of the Year for 2018.

Wrightslaw: Special Education Legal Developments and Cases has been published annually since 2015. Our goal is to make it easier for you to stay current on legal developments and new cases from the U.S. Courts of Appeals and the U.S. Supreme Court.

Why You Need this Book

Developing expertise about special education law by reading cases from the U.S. District Court and the U.S. Courts of Appeals is a long, slow process. But you need to read cases to understand the legal issues, outcome, and why a case is significant.

When you are educating yourself, you will be tempted to read articles about cases. When you read articles, you are reading the authors' words. The authors' words often reflect the authors' personal biases. Many articles about cases do not use or quote the Court's words that describe the judge's reasoning for the decision. Reading **about** a case, instead of **reading** (and re-reading) the actual case, will limit your understanding of the case.

If you truly want to understand a case, you must take the hard road. Read the original opinion by the court—several times. Do not rely on the opinions and views of others.

¹ <https://www.wrightslaw.com/law/caselaw/2017/ussupct.fry.napoleon.15-497.pdf>

² <https://www.wrightslaw.com/law/caselaw/2017/ussupct.endrew.douglas.15-827.pdf>

How this Book is Organized

Chapter One includes an overview of legal terms, concepts, and federal statutes related to children with disabilities and special education law. You will learn about the four types of law and about federal laws that govern the education of children with disabilities.

Chapter Two describes the legal process —the steps in resolving a special education dispute—from the initial request for a due process hearing through appeals to federal court.

Chapter Three will teach you to use Google Scholar as a tool to find cases relevant to your interests and needs.

Chapter Four is the Table of Cases from the Courts of Appeals in 2018. The Table of Cases lists all significant cases in 2018 with the date, court, issues, outcome, and a brief summary. Each case is hyperlinked to a thorough discussion of the case in Chapter 5.

Chapter Five includes discussions of all significant cases from the Courts of Appeals in 2018. In these discussions, we use direct quotes from the decisions (and keep our interpretations to a minimum).

If you read earlier editions of *Wrightslaw: Special Education Legal Developments and Cases* from 2015, 2016, and 2017 ([links here](#)), you may recall some legal concepts, federal education laws, the legal process to resolve disputes, and Google Scholar. You are likely to need to refresh your knowledge so consider Chapters One and Two and Three as your refresher courses – and re-read them.

Wrightslaw: Special Education Legal Developments and Cases 2018 is available in two editions: an electronic version or e-book (in PDF) and a print bound edition. The print edition will be available in the Fall of 2019.

The e-book edition includes many active hyperlinks. These hyperlinks allow you to jump from a case listed in the Table of Cases (Chapter 4) to a discussion of the case (Chapter 5). You will find many other hyperlinks throughout the e-book.

If you are looking for a specific case or concept, use the “Search” and “Find” features in the PDF file. “Search” is a fast, easy way to find information you need.

Let’s move on to Chapter One about legal terms, concepts, and federal education laws.