TABLE OF CONTENTS - HYPERLINKED

Chapter 1. Introduction	9
Who Should Read This Book?	9
What to Expect in This Book?	10
How this Book is Organized	11
Strategies to Develop Expertise in Special Education Law	12
Strategies to Help You Use the E-book Edition	13
Updates	14
Chapter 2. History of Special Education Law and Litigation	15
1876 - 1970	15
Common Schools Teach Common Values, Early Special Education Programs	16
Brown v. Board of Education	16
Elementary and Secondary Education Act (ESEA)	17
Education of the Handicapped Act	17
1971 - 1990	17
Cases - PARC and Mills	17
The Rehabilitation Act of 1973	19
Family Educational Rights and Privacy Act (FERPA)	19
Public Law 94-142: The Education for All Handicapped Children Act of 1975	19
Section 504 Regulations Issued	20
Americans with Disabilities Act	21
1991 - 2010	21
Individuals with Disabilities Education Act (IDEA 97)	21
Individuals with Disabilities Education Act (IDEA 2004)	23
ADA Amendments Act of 2008	23
2011 - 2023	29
Every Student Succeeds Act (ESSA)	23
Supreme Court of the United States (SCOTUS)	25
2017 - <i>Fry</i> and <i>Endrew F</i> .	25
2020 - COVID Pandemic	27
2023 - Perez v. Sturgis Public Schools	28
Chapter 3. Overview of Statutes, Regulations, Caselaw, Courts, and Research	31
Statutes	31
Regulations	32
Commentary to the Regulations	33
Legal Citations	34
Judicial Interpretations, Courts, and Caselaw	34
Evolving Caselaw	34
U.S. District Courts	35
U.S. Courts of Appeal	35
Supreme Court of the United States (SCOTUS)	36
Legal Interpretations	36
Legislative Intent	32
Legal Research	37
United States Code	37
Legal Information Institute	37
Google Scholar	38

	Leagle			39
	PACER			39
	Acronyms and Abb	reviations		41
Ch	apter 4. Overvi	ew of IDEA, Section 504, and ADA		43
	Overview of IDEA			44
	Part A - Genera	al Provisions		45
	Part B - Assista	nce for Education of All Children with Disabilit	ies	49
	Part C - Infants	s and Toddlers with Disabilities		66
	Part D - Nation	nal Activities to Improve Education of Children	with Disabilities	68
	Overview of The R	ehabilitation Act of 1973 and Section 504		69
	History			69
	Section 504 and	l the ADA		70
	Sections of The	Rehabilitation Act of 1973		72
	The Rehabilitat	ion Act of 1973 - General Provisions		72
	The Rehabilitat	ion Act of 1973 - Subchapter V - Rights and Adv	rocacy	73
		nabilitation Act Regulations 34 CFR § 104.1 et se	-	74
		mericans with Disabilities Act, As Amended (AI	DA)	78
		ween Title II and Title III, Part 35 and Part 36		79
		te - Overview of Definitions		79
		IV in Educational Settings		80
_	Enforcement of			82
Ch	apter 5. Individ	luals with Disabilities Education Act	, 20 U.S.C. § 1400 et seq.	85
	List of Statutes 20 U	J.S.C. §§ 1400 - 1482		85
	Part A - General Pr		20 U.S.C. §§ 1400 - 1409	87
	§ 1400	Findings and Purposes ¹		88
	§ 1401	Definitions		91
	Part B - Assistance	for Education of All Children with Disabilities		102
	\$ 1412	State Eligibility - Child Find, LRE, Tuition Rein	nbursement	113
	§ 1414(a-c)	Evaluations, Eligibility		135
	§ 1414(d)	IEPs		142
	§ 1415	Procedural Safeguards - IEE, PWN, Due Proces	-	
		d Toddlers with Disabilities	20 U.S.C. §§ 1431 - 1444	180
		rities to Improve Education of Children with Dis	abilities 20 U.S.C §§ 1450 - 1482	196
Ch		Regulations, 34 CFR Part 300 et seq.		229
	Table of Regulation			230
	Subpart A - Genera		34 CFR §§ 300.1 - 300.45	235
	Subpart B - State El	C ,	34 CFR §§ 300.100 - 300.199	245
	•	ducational Agency Eligibility	34 CFR §§ 300.200 - 300.230	273
		tions, Eligibility Determinations, IEPs,		
	and Educationa		34 CFR §\$ 300.300 - 300.328	280
	Subpart E - Procedo	· ·	34 CFR §§ 300.500 - 300.537	293
	-	ring, Enforcement, Confidentiality	24 CED 66 200 600 200 616	200
	and Program II		34 CFR §§ 300.600 - 300.646	308
		ization of Appropriations, Allotments, Grants	34 CFR §§ 300.700 - 300.718	316
	Suppart H - Presch	ool Grants for Children With Disabilities	34 CFR §§ 300.800 - 300.818	326

¹ While IDEA begins at Section 1400 and ends at Section 1482, in this Table of Contents, we have included and hyperlinked the five most common IDEA statutes used by readers They are sections 1400, 1401, 1412, 1414, and 1415.

Chapter 7. Section 504 of the Rehabilitation Act				
29 U.S.C. 794 et seq., 34 CFR Part 104		331		
Six Selected Statutes of the Rehabilitation Act, Title 29 of the U	J.S. Code	331		
29 U.S.C. Chapter 16 - General Provisions		331		
§ 701 - Findings; purpose; policy		331		
§ 702 - Rehabilitative Services Administration		333		
§ 705 - Definitions		334		
§ 712 - Information clearinghouse		338		
29 U.S.C. Chapter 16, Subchapter V - Rights and Advocacy		339		
§ 794 - Nondiscrimination under Federal grants and pro	grams ²	339		
§ 794a - Remedies and attorney fees		340		
Selected Regulations for Section 504 of the Rehabilitation Act, Code of Federal Regulations				
34 CFR Part 104, Subpart A - General Provisions	34 CFR §\$ 104.1 - 104.10	342		
34 CFR Part 104, Subpart C - Accessibility	34 CFR § 104.21 - 104.22	348		
34 CFR Part 104, Subpart D - Preschool, Elementary,				
and Secondary Education	34 CFR §§ 104.31 - 104.39	349		
34 CFR Part 104, Subpart E - Postsecondary Education	34 CFR §§ 104.41 - 104.47	7 353		
34 CFR Part 104, Subpart F - Health, Welfare, and Social Ser	vices 34 CFR §\$ 104.51 - 104.54	4 357		
34 CFR Part 104, Subpart G - Procedures	34 CFR § 104.61	358		
Chapter 8. Americans with Disabilities Act,				
42 U.S.C. § 12101 et seq., 28 CFR Parts 35, 36				
Selected Statutes of the Americans with Disabilities Act, Title		359 359		
42 U.S.C. § 12101 - Findings and purpose	12 of the c.o. code	360		
42 U.S.C. § 12102 - Definition of Disability		361		
42 U.S.C. § 12103 - Additional definitions		362		
Title II - Public Services		362		
42 U.S.C. §§ 12131 - 121134		362		
Title III - Public Accommodations and Private Entities				
42 U.S.C. §§ 12181 - 12189		363		
Title IV - Miscellaneous Provisions		368		
42 U.S.C. §§ 12201 - 12212		368		
Selected Regulations of the ADA, 28 CFR Part 35 - Public Serv	rices (Title II)	370		
Subpart A - General	(§§ 35.101 - 35.108)	371		
Subpart B - General Requirements	(§§ 35.130 - 35.136)	380		
Subpart D - Program Accessibility	(§ 35.149)	383		
Subpart E - Communications	(§§ 35.160 + 35.164)	383		
Subpart F - Compliance Procedures	(§§ 35.170 - 35.178)	385		
Subpart G - Designated Agencies	(§ 35.190)	387		
Selected Regulations of the ADA, 28 CFR Part 36 -				
Nondiscrimination by Public Accommodations in Comm	nercial Facilities (Title III)	389		
Subpart A - In General	(§§ 36.101 - 36.105)	391		
Subpart B - General Requirements	(§§ 36.201 - 36.213)	397		
Subpart C - Specific Requirements	(§§ 36.301 - 36.311)	399		
Subpart E - Enforcement	(§§ 36.501 - 36.507)	405		
28 CFR Part 41, Implementation of Executive Order 12250		407		
28 CFR § 41.51 General prohibitions against discrimination		407		

² Section 794 of Title 29 is the key statute known as the Section 504 statute.

Chapter 9. FERPA, McKinney-Vento, Other Statutes / Laws	409	
Family Educational Rights and Privacy Act (FERPA)	409	
Overview	409	
Statute - 20 U.S.C. § 1232g	411	
Regulations - Frequently Asked Questions	412	
Caselaw	413	
McKinney-Vento Homeless Assistance Act	414	
Overview	414	
Homeless Resources	417	
Statutes - 42 U.S. Code §§ 11431 - 11435	417	
Overview of other Statutes, FRCP, and U.S. Constitution Related to Disability Litigation	426	
Other Federal Statutes / U.S. Code	428	
Federal Rules of Civil Procedure (FRCP)	431	
United States Constitution - Article VI, and 1st, 4th, 5th, and 14th Amendments	435	
Chapter 10. Selected Topics	437	
Academic Content Standards	438	
Assistive Technology	439	
Bullying & Harassment	439	
Charter Schools Eligibility	441	
Child Find	441	
COVID & Compensatory Ed.	441	
Discipline	443	
Eligibility	444	
Enforcement of IDEA, Section 504 and ADA	446	
Evaluations	449	
FAPE - Free Appropriate Public Education	450	
Grades	451	
IHCP - Individualized Health Care Plans	452	
LRE - Least Restrictive Environment	452	
Military children	453	
Physical Education / Adaptive PE	454	
Placement, Change of (in discipline issues)	455	
Placements, Continuum of Alternative	456	
Related Services	457	
Restraint and Seclusion	458	
Section 504 Plan v IEP	460	
Supplementary Aids & Services	462	
Transition	462	
Transition to Higher Ed.	463	
Acknowledgments		
Index	469	