



# *Introduction to Special Education Law: Understanding the Sources of the Law Module*

## **Note-Taking Guide**

### **Module Overview**

This course is part of a series covering the legal foundations of laws supporting students with disabilities. This module has three parts. The first part focuses on the successive levels of federal law, the second on the corresponding levels of state law, and the third on case law.

### **Learning Outcomes**

At the end of this course, you will be able to do the following:

- identify and describe the primary sources of the law in the United States;
- explain the relationship between federal and state laws; and
- understand the impact of the role and levels of the adjudicative source of law (e.g., courts).

### **Using the Note-Taking Guide**

As you engage in the module, **take notes on the key themes and answer the summary questions** at the end of each section. After you complete the module, check your responses against the responses given at the end of this document.



## Section 1: Federal Sources of Law

In this section, we explore the hierarchy of federal sources of law and how it applies to special education.

### Notes

Key themes	Notes
<p><b>Overview of federal sources of law</b></p>	
<p><b>Federal constitution and special education</b></p>	
<p><b>Federal legislation and special education</b></p>	
<p><b>IDEA</b></p>	

Key themes	Notes
Other federal legislation related to students with disabilities	
Federal regulations	
Federal regulations for IDEA	
Policy guidance	

### Summary Questions

Questions	Responses
What was the significance of the <i>PARC</i> and <i>Mills</i> cases in relation to the Education for All Handicapped Children Act?	



Questions	Responses
What are different types of policy guidance provided by the U.S. Department of Education related to students with disabilities?	

## Section 2: State Law

In this section, we examine how state laws in special education interact with federal laws, allowing states to enhance but not diminish federal standards, resulting in a diverse landscape of special education requirements across different states.

### Notes

Key themes	Notes
Relationship between federal and state law	
State constitutions, legislation, and regulations	
Examples of state laws supplementing IDEA	

### Summary Questions

Questions	Responses
What is meant by the statement that states can “add to, but not subtract from” federal special education requirements?	
Why is it important for educators to be familiar with both federal and state special education laws?	



## Section 3: Case Law

In this section, we discuss how case law in special education, developed through various dispute resolution processes and court decisions at different judicial levels, interprets and applies federal and state laws.

### Notes

Key themes	Notes
Alternate dispute resolution	
State complaint procedures	
Due process hearings	
Precedence	
Federal district court	

Key themes	Notes
Circuit Court of Appeals	
Supreme Court	
<i>Endrew F. v. Douglas County School District</i> decision	
State judiciary	

### Summary Questions

Questions	Responses
How does a state complaint procedure differ from a due process hearing?	



Questions	Responses
<b>What was the key issue addressed in the <i>Andrew F. v. Douglas County School District</i> case?</b>	

## Sample Responses

This section presents sample responses to the questions provided after each section. You may use these responses to compare them with your own responses.

Section	Summary questions	Sample responses
<b>Section 1: Federal Sources of Law</b>	What was the significance of the <i>PARC</i> and <i>Mills</i> cases in relation to the Education for All Handicapped Children Act?	The <i>PARC</i> and <i>Mills</i> cases were significant precursors to the Education for All Handicapped Children Act (later renamed IDEA). These cases established key principles that were later incorporated into the Act, including the right to due process hearings, the concept of individualized education programs (IEPs), and the requirement of free appropriate public education (FAPE) for students with disabilities.
	What are different types of policy guidance provided by the U.S. Department of Education related to students with disabilities?	The different types of policy guidance provided by the Department of Education related to students with disabilities include: <ol style="list-style-type: none"> <li>1. Questions and Answers (Q&amp;A) documents</li> <li>2. Policy letters</li> <li>3. Fact sheets</li> <li>4. Memoranda (memos)</li> </ol> <p>Note that these interpretations are not legally binding but may be found persuasive in case law and in state education agency complaint investigations and their other compliance activities.</p>
<b>Section 2: State Law</b>	What is meant by the statement that states can “add to, but not subtract from” federal special education requirements?	This statement means that although states that agree to take federal funds (all states currently) must meet all the minimum requirements set forth in federal special education law (such as IDEA), they have the flexibility to create additional protections or services for students with disabilities. However, states cannot reduce or eliminate any of the federally mandated requirements.



Section	Summary questions	Sample responses
	Why is it important for educators to be familiar with both federal and state special education laws?	It is important for educators to be familiar with both federal and state special education laws because they need to ensure compliance with all applicable requirements. State laws may provide additional rights or services to students with disabilities beyond what federal law requires, and educators need to be aware of these to properly serve their students and avoid legal issues.
<b>Section 3: Case Law</b>	<p>How does a state complaint procedure differ from a due process hearing?</p> <hr/> <p>What was the key issue addressed in the <i>Andrew F. v. Douglas County School District</i> case?</p>	<p>A state complaint procedure differs from a due process hearing in several ways:</p> <ul style="list-style-type: none"> <li>▪ State complaints can be filed by anyone, while due process hearings are typically initiated by parents or the school district.</li> <li>▪ State complaints are investigated by the state education agency, while due process hearings are conducted by an impartial hearing officer.</li> <li>▪ State complaints focus on whether the school has violated IDEA, while due process hearings can address a broader range of issues, including the appropriateness of a student’s IEP.</li> <li>▪ State complaints must be resolved within 60 days, while due process hearings can take longer.</li> </ul> <hr/> <p>The key issue addressed in the <i>Andrew F. v. Douglas County School District</i> case was the standard for determining what constitutes an appropriate education under IDEA. The Supreme Court ruled that “to meet its substantive obligation under IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances”, rejecting the lower court’s “merely more than de minimis” standard.</p>



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