

Navigating Special Education Law & Compliance

A TeachTown eBook



Navigating Special Education Law & Compliance

AN INTRODUCTION

The legal framework that governs special education is not just a set of procedural requirements—it is a dynamic system designed to protect the civil rights of students with disabilities and to ensure meaningful educational access. As schools navigate the increasing complexity of federal regulations and rising expectations from courts and oversight bodies, the question is not simply whether we are complying with the law, but how we are using it to create stronger, more equitable educational systems.

This eBook explores the legal structure shaping special education today. It reviews the three foundational federal laws—IDEA, Section 504, and the ADA—and explains how they function in daily school practice. We will also examine current areas of increased legal scrutiny, including student discipline, mental health services, equity, and curriculum access. Finally, we will shift from the legal lens to a practical one, examining how instructional tools such as [TeachTown](#) can help educators meet both compliance requirements and student learning goals.

Table of Contents

01. NAVIGATING SPECIAL EDUCATION LAW & COMPLIANCE Introduction P 1	04. COMPENSATORY EDUCATION & COVID RECOVERY What is Compensatory Education? ... P 13
02. THE LEGAL FOUNDATIONS OF SPECIAL EDUCATION The Individuals with Disabilities P 3 Education Act (IDEA) Section 504 of the Rehabilitation P 5 Act of 1973 The Americans with Disabilities P 6 Act (ADA)	05. SECTION 504 & MENTAL HEALTH NEEDS Evaluation & Identification P 14
03. EMERGING AREAS OF LEGAL SCRUTINY Discipline, Manifestation P 8 Determination, and Behavior Intervention Manifestation Determination P 8 Review (MDR) Behavior Intervention Plans, P 10 Restraint, & Seclusion	06. EQUITY IN PLACEMENT & IDENTIFICATION P 15
	07. TRANSITION SERVICES P 16
	08. TOPICS IN THE NEWS Funding Shortfalls P 18 Budget Pressures P 18 State vs. Federal Tensions P 19 Increased Federal Oversight P 19
	09. BRIDGING THE GAP P 20

A photograph of a young child with short brown hair, seen from behind, sitting in a wheelchair. The child is wearing a white t-shirt. They are in a classroom setting with other students and a teacher visible in the background, though they are out of focus. The entire image is overlaid with a semi-transparent blue filter.

The Legal Foundations of Special Education

At the core of special education law in the United States are three federal statutes: The Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and The Americans with Disabilities Act (ADA).

01

The Individuals
with Disabilities
Education Act
[IDEA] ►

02

Section
504 of the
Rehabilitation
Act of 1973 ►

03

The Americans
with Disabilities
Act [ADA] ►

*Follow the link in each section to learn more.

Each law provides specific rights and protections, and together, they form the civil rights infrastructure that governs educational access and equity for students with disabilities.



01. The Individuals with Disabilities Education Act (IDEA)

IDEA is the most comprehensive federal law governing special education. **It ensures that eligible children with disabilities are provided with a free, appropriate public education that is tailored to their individual needs.** The law is built on six foundational principles that guide how services must be delivered:

1. Free Appropriate Public Education (FAPE)

[FAPE](#) guarantees that every eligible child with a disability receives an educational program designed to meet their unique needs at no cost to the family. The program must be individualized and designed to enable meaningful progress. Following the [Endrew F. decision](#), schools are now expected to ensure that educational plans are reasonably calculated to promote appropriate progress in light of each student's specific circumstances.

2. Appropriate Evaluation

Before a child can receive special education services, the school must conduct a comprehensive, non-discriminatory evaluation using a variety of tools and strategies. Evaluations must assess all areas related to the suspected disability and must be administered by trained personnel. Evaluations are not a one-time event. They must be reviewed regularly and updated at least every three years (or more frequently if needed).

3. Individual Education Program (IEP)

An [IEP](#) is a legally binding document developed by a team of educators, specialists, and the child's parents. It outlines the student's present levels of performance, annual goals, special education services, accommodations, and how progress will be measured. Strong IEPs include:

- Measurable, ambitious goals
- Specific supports and services
- Alignment to curriculum and standards
- Clear, data-informed progress monitoring plans



01. The Individuals with Disabilities Education Act (IDEA) Cont...

4. Least Restrictive Environment (LRE)

IDEA requires that students with disabilities be educated with their neurotypical peers to the maximum extent appropriate, known as the [Least Restrictive Environment](#). The default placement is the general education classroom, with supplementary aids and services. Removal to a more restrictive setting should only occur if the student is not succeeding in the general education environment, even with supports.

5. Parent & Student Participation in Decision-Making

Families are not just stakeholders; they are equal members of the IEP team. Schools must involve parents in all aspects of the special education process, from evaluation to placement to ongoing progress reviews. Involving students, especially at the middle and high school level, in goal-setting and transition planning is also a critical part of this principle.

6. Procedural Safeguards

IDEA includes a robust set of legal protections for families. These [safeguards](#) ensure transparency, fairness, and accountability in the decision-making process. They include, but are not limited to:

- The right to receive prior written notice
- The right to give or withhold informed consent
- The right to access educational records
- The right to dispute decisions through mediation, due process hearings, or complaints filed with the state or the OCR

These procedural protections serve as both a legal safety net and a mechanism for resolving disputes without immediate litigation.

02. Section 504 of the Rehabilitation Act of 1973

Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities in any program or activity that receives federal funding. In the education context, this means all public schools and most private schools are subject to Section 504.

Unlike IDEA, which applies only to students who qualify under one of [13 specific disability categories](#), Section 504 has a broader definition of disability. It applies to any student with a physical or mental impairment that substantially limits one or more major life activities, including learning, reading, concentrating, and social interaction. The primary focus of Section 504 is equal access. Students covered by 504 may not

need specialized teaching, but they are entitled to reasonable accommodations, or legally mandated adjustments that level the playing field and ensure access to the general education environment. Examples include extended testing time, preferential seating, note-taking support, behavior plans, and access to medical equipment or services during the school day.



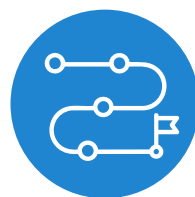
Extended
Testing Time



Preferential
Seating



Note-Taking
Support



Behavior
Plans



Access to
Medical Services

These accommodations are typically outlined in a 504 Plan, which is developed based on evaluation data and must be reviewed periodically. Unlike an IEP, a 504 Plan does not include goals, but it is still a legally binding document.

One common area of confusion is the distinction between accommodations and modifications:

- **Accommodations** alter *how* a student learns or demonstrates knowledge (e.g., providing extra time on tests).
- **Modifications** alter *what* a student is expected to learn (e.g., reducing the complexity of assignments).

While accommodations are standard under Section 504, modifications are rarely appropriate outside of IDEA and typically suggest the need for special education services.

03. Americans with Disabilities Act (ADA)

The ADA is the most expansive of the three laws. It guarantees civil rights protections for individuals with disabilities across all aspects of public life, including education, transportation, communication, and access to public spaces and services.

In the educational context, the ADA reinforces the rights established by Section 504 and extends them to cover not just instructional settings, but the entire school experience.

This includes:

- Physical accessibility (e.g., ramps, elevators, accessible restrooms)
- Program access (e.g., participation in extracurriculars, athletics, field trips)
- Communication access (e.g., captions on videos, interpreters, accessible websites)



Section 504 and the ADA provide a robust civil rights framework that ensures students with disabilities can fully participate in both academic and non-academic aspects of school life.

For example, a student with a hearing impairment must have access to captions or sign language interpretation at all school events. A student with mobility limitations must be able to reach every part of the school campus, not just classrooms. ADA compliance is a major factor in school construction and renovation. If a building is being built or remodeled, it must be ADA compliant. When accessibility barriers exist, whether in facilities, digital content, or events, schools may face formal complaints, investigations, and legal action.

Together, Section 504 and the ADA provide a robust civil rights framework that ensures students with disabilities can fully participate in both academic and non-academic aspects of school life.

Emerging Areas of Legal Scrutiny

DISCIPLINE, MANIFESTATION DETERMINATION, & BEHAVIOR INTERVENTION

Beyond the core tenets of special education law, the Office for Civil Rights (OCR) and federal courts are increasingly focusing on emerging areas of concern. These include disciplinary practices that disproportionately impact students with disabilities, access to mental health supports, equity in curriculum access, and procedural fidelity in implementing IEPs and 504 plans.

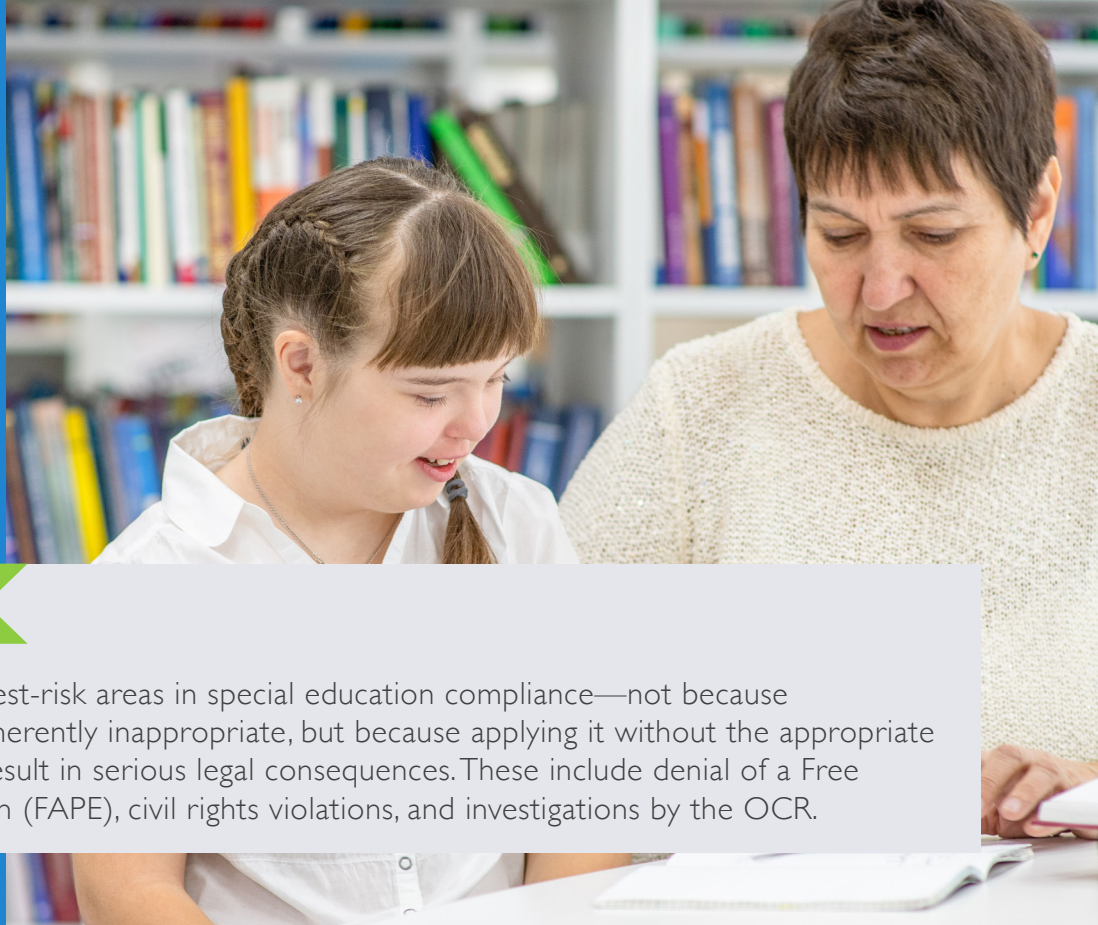


Discipline

Manifestation Determination

Behavior Intervention

Emerging Areas of Legal Scrutiny



Discipline

Discipline is one of the highest-risk areas in special education compliance—not because disciplinary action itself is inherently inappropriate, but because applying it without the appropriate procedural safeguards can result in serious legal consequences. These include denial of a Free Appropriate Public Education (FAPE), civil rights violations, and investigations by the OCR.

Manifestation Determination Review (MDR)

At the heart of these protections under IDEA is the Manifestation Determination Review (MDR). When a student with a disability is suspended, expelled, or otherwise removed from their placement for more than 10 cumulative school days in a school year, an MDR must be conducted. These days do not need to be consecutive; the threshold is cumulative.

An MDR meeting must include the IEP team and relevant stakeholders to determine the answers to two essential questions:

- 01.** Was the behavior caused by or did it have a direct and substantial relationship to the student's disability?
- 02.** Was the behavior the direct result of the school's failure to implement the IEP?

If the answer to either question is yes, the behavior is considered a manifestation of the student's disability. In that case, the school may not proceed with the disciplinary removal. Instead, the IEP team must review and revise the Behavior Intervention Plan (BIP) or conduct a Functional Behavioral Assessment (FBA) if one has not already been completed.

Manifestation Determination Review (MDR) Cont.

MDRs must be:

- **Timely:** Conducted as soon as the 10-day threshold is crossed
- **Collaborative:** Include parents, the IEP team, and individuals qualified to interpret data
- **Data-Informed:** Based on documentation such as behavior logs, IEP progress data, and staff observations



Timely



Collaborative



Data-Informed

Failure to follow these requirements is a frequent basis for litigation. The OCR and U.S. Department of Justice have increased scrutiny of districts that disproportionately suspend or expel students with disabilities, use seclusion or restraint as a first-line response, or fail to follow procedural safeguards during disciplinary actions.

This intersection of instruction, behavior supports, and discipline highlights a critical compliance area: when a student acts out due to the school's failure to implement services or deliver appropriate instruction, the legal responsibility lies with the district, not the student.



Behavior Intervention Plans

A [Behavior Intervention Plan \(BIP\)](#) is a written document designed to address challenging behaviors that interfere with a student's learning or the learning of others. A BIP must be grounded in a [Functional Behavior Assessment \(FBA\)](#). A BIP cannot be created simply because a student's behavior is disruptive.

The FBA must gather data to understand the function of the behavior. Key questions include:

- **What** is the student trying to communicate?
- **When and where** does the behavior occur?
- **What** triggers or reinforces it?

Once the team understands the behavior's function, a BIP can be designed to be:

- **Preventative** – modifying environments and triggers
- **Instructional** – teaching replacement skills
- **Positive and Measurable** – including clear goals and supports

IDEA requires IEP teams to review and revise BIPs when behavior impedes learning. If the plan is not implemented or proves ineffective, the district may be liable for a denial of FAPE.



Restraint & Seclusions

The use of [restraint and seclusion](#) raises additional legal concerns. Many states have laws that restrict or prohibit the use of physical restraint, mechanical restraint, or seclusion, allowing them only in emergency situations involving imminent risk of serious harm. These measures may not be used for discipline or staff convenience.

Key legal requirements include:

- Use only as a last resort
- Timely notification to parents
- Detailed documentation and internal review of each incident's necessity and effectiveness

Noncompliance with these regulations can lead to due process complaints, state investigations, and federal civil rights inquiries. The OCR and the Department of Justice have emphasized that repeated use of restraint, seclusion, or behavioral removals may constitute a denial of FAPE, particularly when behavior stems from unmet needs or a lack of supports.

When reviewing behavior incidents, schools must consider:

- Was the BIP implemented with fidelity?
- Did staff teach and reinforce replacement behaviors?
- Did the school's response match the cause and severity of the behavior?

Addressing behavior through data, empathy, and structure is both a legal obligation and a matter of student dignity, safety, and emotional well-being.





Compensatory Education & COVID Recovery

During the [COVID-19 pandemic](#), many students with disabilities missed significant portions of their IEP or 504 plan services due to school closures, remote learning limitations, or reduced staffing. These service disruptions often occurred without sufficient documentation or plans for follow-up.

Yet under both IDEA and Section 504, districts remained legally responsible for delivering FAPE. When that did not happen, the central question became: *how do we make it right?*

What is Compensatory Education?

Compensatory education is a legal remedy, not a punishment. It is intended to make up for services a student was entitled to but did not receive. Importantly, compensatory services are not calculated minute-for-minute. For example, if a student missed 60 hours of speech therapy, that does not automatically mean they are entitled to 60 hours of make-up services.

Instead, the IEP team must consider:

01.

Did the student regress or fail to make progress toward IEP goals?

02.

Was instructional delivery sufficient to maintain access to the curriculum?

03.

Are there lingering learning gaps or skill delays?



To answer these questions, the team should review progress monitoring data, goal attainment records, teacher observations, and assessment results. The result should be a customized plan that could include additional math instruction, extended school year supports, intensive reading interventions, or access to therapies. The OCR and the Office of Special Education Programs have made clear that blanket denials or refusals to consider compensatory services are not legally defensible.

As of the 2025-2026 school year, many districts face increased pressure due to the expiration of federal pandemic relief funds (e.g., Elementary and Secondary School Emergency Relief (ESSER) funds). These funds temporarily helped cover COVID-related learning loss but are no longer available. This makes thoughtful, data-driven planning for compensatory services more critical than ever.



Section 504 & Mental Health Needs

Mental health has become a leading front in education, especially in the context of Section 504. Conditions like anxiety, depression, PTSD, eating disorders, and trauma-related disorders can qualify as disabilities under Section 504 if they substantially limit a major life activity, such as concentrating, sleeping, attending school, or regulating behavior.

Evaluation and Identification

A formal medical diagnosis is **not required** for eligibility under Section 504. If a school has knowledge of a potential disability based on behavior, academic performance, or parent concerns, it must evaluate the student. OCR has issued strong guidance affirming that failure to evaluate students with suspected mental health conditions is a violation of Section 504.

Common compliance pitfalls include:

- Denying evaluations because the student has good grades
- Disciplining students without considering the disability-related causes of their behavior
- Failing to provide needed accommodations such as breaks, flexible deadlines, or modified schedules
- Ignoring signs of school refusal or chronic absenteeism

Once a 504 plan is developed, schools must train staff on the requirements of the plan, implement accommodations with consistency, and revise the plan as needed based on changing conditions or new data. If accommodations are not implemented and the student experiences academic or behavioral setbacks, the district could be found to have denied FAPE, even if the written plan was adequate.

Mental health support is not just a counseling issue; it is a legal obligation that must be approached with care, documentation, and a commitment to student success.

Equity in Placement & Identification

Legal compliance in special education requires placement and evaluation decisions that are individualized, data-driven, and equitable. The Individuals with Disabilities Education Act (IDEA) mandates that students with disabilities be educated in the least restrictive environment (LRE). This means that general education must be considered the first and preferred setting, not the exception. Before placing a student in a separate class or program, schools must consider what supports or services could make inclusion work. This includes supplemental aids, co-teaching models, and behavioral supports.

Courts and the OCR have repeatedly affirmed that placement decisions must be based on individual student need, not disability label,

classroom availability, or staffing limitations. Removing a student from general education not only limits their access to grade-level curriculum, it can also restrict opportunities for social development, peer relationships, and participation in extracurricular activities. If such removal is not properly justified and documented, it may result in a denial of FAPE.

When parents disagree with a school's evaluation, they have the right under IDEA to request an [Independent Educational Evaluation \(IEE\)](#) at public expense. Once requested, the district must either agree to fund the IEE or initiate due process to defend its own evaluation. There is no lawful third option; delaying or ignoring the request violates IDEA.

Another critical equity issue is how students are identified for special education. Disproportionality in identification remains a serious concern.



Two patterns in particular raise legal and ethical red flags:

- **Overidentification:** Students of color, English learners, and students from low-income families are sometimes inappropriately identified for special education, especially in subjective categories like emotional disturbance.
- **Underidentification:** Conversely, some students, especially those who are high-functioning or masking symptoms, may be overlooked entirely, even when they qualify under IDEA or Section 504.

IDEA requires states to monitor for significant disproportionality. Districts found to have problematic patterns must review their policies, practices, and procedures, and may be required to allocate funding toward early intervening services. The Department of Justice and OCR continue to investigate districts for biased identification practices, unnecessary segregation, and inequitable access to services. When placement and evaluation decisions reflect systemic patterns rather than individual needs, schools risk violating both IDEA and civil rights laws.

Transition Services

[Transition services](#) are often treated as a footnote in the IEP process. But under IDEA, they are a central legal obligation that directly impacts a student's future. Poorly designed transition plans are one of the most common reasons for due process complaints and OCR investigations.

By law, transition planning must begin no later than the IEP that is in effect when a student turns 16. However, some states, such as Texas, Massachusetts, and Pennsylvania, require this planning to begin at age 14. The takeaway: don't wait. The earlier planning starts, the more time schools have to support skill-building, interest exploration, and student independence.

Transition Plans Must Include:



- Measurable post-secondary goals based on age-appropriate transition assessments
- A description of services, supports, and coursework needed to achieve those goals

These Goals Must Cover:



- Education and/or training
- Employment
- Independent living

Importantly, these are not generic or “check-the-box” goals. They must be specific, realistic, and actionable for each student. Transition instruction is not just about job training. It's about helping students develop the academic, functional, and social skills they need to reach their long-term goals. The courses a student takes should align with their post-secondary ambitions, especially in states that offer alternate diploma pathways.

For example, a student preparing for college should be enrolled in credit-bearing general education courses and supported with test preparation. A student aiming for a skilled trade may need work-based learning opportunities, vocational instruction, and connections to local employers or workforce agencies. Schools must also help students and families connect with adult service agencies, such as vocational rehabilitation, Social Security, or community-based programs, and document those efforts.

At its best, transition planning is a process of empowerment. When it's ignored or poorly executed, it becomes a serious legal liability. The law is clear: we are responsible for preparing students with disabilities for life after high school. That requires vision, structure, and follow-through.



Topics In The News

Special education doesn't exist in a vacuum. It operates within a constantly shifting political and policy landscape, one that has direct consequences for our ability to serve students and comply with the law.

-
01. FUNDING SHORTFALLS
 02. BUDGET PRESSURES
 03. STATE VS. FEDERAL TENSIONS
 04. INCREASED FEDERAL OVERSIGHT
-



Funding Shortfalls

When IDEA was passed in 1975, Congress committed to covering up to 40% of the excess cost of educating students with disabilities. That promise remains unfulfilled.

Today, the federal contribution hovers around just 13–14%,

placing the burden of funding on state and local districts. The [IDEA Full Funding Act](#), introduced in Congress multiple times, would increase that percentage over a 10-year period, but it has yet to gain sufficient traction.

Budget Pressures

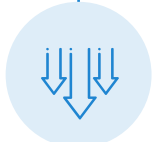
Schools face increasing financial strain due to:



Inflation and Rising Operational Costs – Transportation, utilities, classroom supplies, fuel prices, and insurance premiums have all gone up.



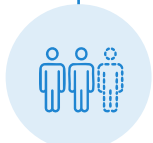
Stagnant State Funding – In Texas, for example, the basic per-student funding amount hasn't meaningfully increased since 2019. While recent litigation delivered \$8.5 billion to public education, much of that is earmarked for specific initiatives like teacher pay or special education.



Declining Enrollment – Caused by demographic changes and expanded school choice programs, which reduce funding in per-pupil models.



Increased Demand For Specialized Services – Including special education and English learner support, which require additional staffing and resources.



Teacher Shortages – Affecting 74% of public schools nationally. High-poverty schools are disproportionately impacted, particularly in special education, bilingual education, and STEM. (Source: National Center for Education Statistics)

Despite these challenges, **compliance requirements remain**, even when budgets are shrinking.

State VS. Federal Tensions

There's also growing friction between state and federal roles in education. Some states are pushing back on federal oversight in areas like curriculum, discipline, and special education evaluation. Simultaneously, school choice initiatives, including vouchers, charter school expansion, and education savings accounts (ESAs), raise questions about the protection of IDEA rights outside the public school system. Many families do not fully understand which rights are retained or waived when they leave public education.



Increased Federal Oversight

The OCR and the Department of Justice have significantly increased enforcement activity in special education. Recent investigations and resolution agreements have centered on:

- Inadequate mental health support
- Misuse of restraint and seclusion
- Discriminatory discipline practices

Federal agencies are particularly focused on the disproportionate impact these practices have on students of color and students with disabilities, especially when policies lead to exclusion, arrests, or chronic absenteeism.



Bridging The Gap:

How TeachTown Supports Legal Compliance & Instructional Quality

Now that we've explored the current but continuously changing legal and instructional environment of special education, it's clear that compliance and quality instruction must go hand in hand. That's where TeachTown's award-winning curricula and learning interventions play a critical role.



Curriculum isn't optional in special education - it's a legal safeguard.

Bridging The Gap: Cont.

How TeachTown Supports Legal Compliance & Instructional Quality

TeachTown's comprehensive, adapted core curriculum, **enCORE**, is **aligned with grade-level content standards**, ensuring that students with disabilities are not only engaged, but also receiving the meaningful educational benefit required by the Supreme Court's 2017 ruling in *Endrew F. v. Douglas County School District*.

One of the most time-consuming and error-prone areas of special education compliance is **documenting IEP implementation and progress monitoring**. TeachTown simplifies this process by automatically collecting student response data, tracking time on task and skill mastery, and reporting instructional fidelity.

TeachTown's comprehensive platform **adapts instruction** based on individual student progress, behavioral supports, and specialized instructional needs. It incorporates evidence-based methodologies while remaining flexible across settings and staffing models.

TeachTown's scalability means it can be used by educators across grade bands and disciplines as well as related service professionals to **deliver consistent instruction** across classrooms and campuses, key in mitigating legal risk and ensuring instructional equity.

Curriculum isn't optional in special education - it's a legal safeguard. Beyond merely providing services, we must ensure that students make meaningful progress through an instructional plan that is both **individualized** and **standards-based**.

Making budget cuts to curriculum may seem fiscally responsible in the short term, but if a due process complaint arises and a school can't

prove that instruction was delivered in alignment with IEP goals - or worse, that the student regressed without intervention - the **financial and legal consequences can be significant**.

Evidence-based, standards-aligned special education curriculum isn't a luxury. TeachTown helps districts align instruction with compliance, promote equity, and protect against legal risk, all while helping students succeed.





Visit TeachTown.com to learn more about how TeachTown delivers a personalized, measurable whole child education for PreK-12+ students with disabilities

This eBook is based on the webinar [Beyond the Basics of Legalities](#) by Kirsten Fredlund, MEd, JD.

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482.
Endrew F. v. Douglas County Sch. Dist. RE–I, 580 U.S. 386 (2017).
Rehabilitation Act of 1973 § 504, 29 U.S.C. § 794.
Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101–12213.