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Dedication

To Joanne Kinoy — M.W.

To Alice, James and Jonathan Mawdsley — R.M.

To my husband, Stewart Smith, and my children, Alex and Althea Redfield — S.E.R.
Preface

In this book, we undertook the challenging task of developing materials for teaching Special Education Law both in schools of education and in law schools. Instructors in education schools have long complained about the lack of books on the subject that include suitably edited judicial opinions and reliable accounts of how the law operates. Instructors in law schools complained about an absence of any usable books for their courses. Our mission was to satisfy both complaints and meet both needs. We sought to create a book that would be accessible to students whose background is in education rather than law but would still include the original court cases and comprehensive, reliable descriptions of the law, in addition to provocative comments and discussion questions. At the same time, we tried to produce a law school casebook that would challenge second- or third-year students in either classroom or clinical courses and would provide the customary mix of cases, bridge materials, and questions for class discussion. The necessary background information about the theory and practice of special education and disability civil rights is found throughout the cases and in the materials we have contributed.

The first chapter of the book, on Core Concepts, introduces many of the basics of the course and contains a section at the end devoted to sources of law. We envision this latter part of the chapter as an aid to students who do not have formal legal training. We have tried in writing the rest of the book to make the chapters sufficiently independent of each other that an instructor with limited class hours can do some skipping around to cover those topics that are the most useful to the students.

While we were in the final stages of editing the original edition of this book, Congress passed and sent to the President the Individuals with Disabilities Education Improvement Act of 2004, which reauthorizes and amends the basic federal special education law. We knew of the pending legislation, but, like others working in the field, were uncertain which version would ultimately pass both houses, or if anything would pass at all. The new statute became effective, for the most part, July 1, 2005; final regulations were issued in 2006. The Act leaves the core of IDEA intact, and in fact makes fewer changes than many observers anticipated. The Second Edition includes updates for the statutory and regulation changes not covered in the original edition, and includes updates for new caselaw and other developments. The Third Edition updates the Second Edition and draws attention to emerging controversies over matters such as eligibility for special education and services under Section 504 of the Rehabilitation Act. The Fourth Edition provides many more updates, including new cases on eligibility, damages, and other topics and coverage of the new Infant and Toddler Program regulations.

We owe many debts to others for their assistance with the book. Mark Weber would like to thank his research assistants, Suzanne Shmagin, Sara E. Mauk, Kim Brown and Ben Johnson, as well as Dean Glen Weissenberger, who provided support from the research fund of the DePaul University College of Law. Ralph Mawdsley wishes to thank his research assistant, James L. Mawdsley, as well as Dean James McLoughlin for his encouragement and support of this project. Sarah Redfield thanks Dean John Hutson at Franklin Pierce Law Center and Dean Elizabeth Rindskopf Parker at the University of the Pacific McGeorge School of Law for their unflagging support of this work. She also thanks all of her students whose thinking and work contributed to her own learning, and
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particularly Krysten Hicks, Julie Robbins, and Janelle Ruley at Pacific/McGeorge and Will Toronto at Pierce for their valuable research assistance. We all thank the good people of LexisNexis for their faith in this project and, in particular, Keith Moore for his thoughtful, accurate, and tireless editorial work.

We hope to hear from instructors about experiences with the book and suggestions for improving it. Correspondence may be directed to Mark Weber, mweber@depaul.edu.
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