

Purpose & Scope

This research guide is designed for law students interested in researching and learning about the rights of special education students in Georgia administrative due process proceedings during disputes involving the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. I chose this topic because of my interest in disability rights and educational access, which developed through coursework and my time in the Olmstead Disability Rights Clinic at Georgia State University. I especially became interested in how many disputes involving special needs students were resolved administratively instead of through traditional court proceedings. This area is important because disciplinary decisions involving students with disabilities can significantly affect access to education and behavioral supports, but researchers and advocates may struggle to locate procedural guidance necessary to understand how these disputes are resolved in practice. This guide is to aid those individuals by providing a starting point for research.

Research Strategy

This research guide focuses on appeals and administrative due process proceedings handled through the Georgia Office of Administrative Hearings (OSAH). Manifestation Determination Reviews (MDRs) first happen at the school or district level through the student's Individualized Education Program (IEP) team and Local Education Agency (LEA). These initial meetings determine whether the student's conduct was caused by or substantially related to the student's disability before disciplinary removals can proceed.

This guide focuses on appealed disputes in OSAH administrative hearings because those decisions result in written opinions that researchers can actually study and cite. School-level MDR decisions are important, but they are often fact-specific and inconsistently published for legal research. Researchers must instead work through statutes, agency guidance, procedural manuals, administrative decisions, and interdisciplinary resources spread across many platforms.

Georgia's special education statute largely mirrors the language of the federal IDEA statute. However, researchers should avoid starting directly with IDEA statutes and regulations because the sources are procedurally dense and difficult to follow without context. Traditional searches in Westlaw and Lexis often produce limited Georgia-specific authority because many special education disputes are resolved administratively and never appealed into published court opinions. Researchers should treat those databases as supplemental tools rather than primary sources for Georgia special education disputes.

A secondary source, like *Special Education Law in a Nutshell*, provides a much clearer introduction to IDEA, FAPE, disciplinary protections, and due process hearings before moving into statutes and administrative decisions. This source highlighted *Honig v. Doe*, 484 U.S. 305 (1988), where the Supreme Court held that a school system may temporarily suspend a student with a disability for up to ten school days without that suspension being considered a change in placement. The case also clarified limits on unilateral expulsion and the boundaries of administrative remedies. Amendments to IDEA recognize the provisions set out in *Honig*.

The Georgia Department of Education website is one of the most useful starting points for understanding Georgia-specific implementation of IDEA procedures, timelines, and dispute resolution processes. Researchers can find useful charts and breakdowns of the disciplinary process. Where language might be too technically advanced, the researcher should also utilize independent resources like Parent2Parent, which is a site that specializes in making special education information accessible to parents.

After becoming familiar with general MDR procedures, researchers should use the State of Georgia Administrative Law Report (ALR) to locate OSAH special education decisions, although the site's search function is limited and often requires manual browsing on the "Search and Download Decisions" page. The site does not recognize connectors or advanced search terms, and the interface does not display the total number of cases available. The most efficient way to search would be utilizing Google's advanced search operators (site:administrativelawreport.com filetype:pdf "search term").

In sum, researchers should begin by locating secondary sources and agency guidance to understand IDEA timelines and disciplinary procedures before moving into specific statutes and administrative opinions. After identifying relevant statutory provisions and GaDOE guidance, researchers should review OSAH decisions for recurring factual disputes and patterns in the courts' reasoning. Because terminology varies across decisions, researchers should experiment with multiple search phrases, including "manifestation determination," "disciplinary removal," "change in placement," "behavior intervention plan," "functional behavioral assessment," and a

specific diagnostic term. Many disputes involve psychological evaluations, disability classifications, and educational policy in addition to legal standards, so looking beyond purely legal sources is essential for this type of research.

Definitions

Special education law uses many acronyms and procedural terminology, so researchers who are new to this area should get comfortable with common terminology before beginning substantive research.

Common Terms, as provided by Georgia Association of Educators

National Education Association, *Important Disability Terminology, Acronyms, and Definitions*, <https://gae.org/professional-excellence/student-engagement/tools-tips/important-disability-terminology-acronyms-and> (last visited May 3, 2026).

- IDEA (Individuals with Disabilities Education Act): The federal law that ensures students with disabilities are provided with a free appropriate public education (FAPE) that is tailored to their individual needs.
- FAPE (Free Appropriate Public Education): Students with disabilities have a legal right to a free appropriate public education. Each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability, is entitled to FAPE.
- IEP (Individualized Education Program): a written plan developed for a student identified with a disability by a team of education professionals, the parent/guardian, and the child (when appropriate) that describes the special education instruction, supports, and services a student needs to receive free appropriate public education.

- 504 (Section 504 of the Rehabilitation Act of 1973): This national law protects qualified individuals from discrimination based on their disability. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in and have access to program benefits and services. This is for students.
- DP (Due Process): The formal way to resolve disputes with a school about your special education. As it applies to special education, due process includes the legal procedures and requirements developed to protect the rights of children, parents, and school districts. *Note: MDRs can become part of due process disputes, but they are not synonymous.*
- LEA (Local Educational Agency): The public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary schools or secondary schools. *Note: sometimes, these entities are referred to as LUAs (Local Unit of Administration)*

Sources and Annotations

Primary Sources

O.C.G.A. § 20-2-152

This Georgia statute incorporates federal IDEA requirements and outlines the state's obligations for special needs students. It is less comprehensive than the federal statute, but it confirms how Georgia integrates IDEA into state law.

20 U.S.C. § 1401

IDEA is the primary federal statute that outlines special education requirements for school systems, including provisions for administrative hearings. Georgia incorporates this statute by reference, and most sources cite directly to IDEA for information regarding special education.

Honig v. Doe, 484 U.S. 305 (1988)

This landmark decision addresses suspensions and removals involving students with disabilities. Although portions of the opinion were later superseded by IDEA amendments, the case is still useful for understanding the development of modern disciplinary protections.

State of Georgia Administrative Law Report, *Search and Download Decisions*, https://administrativelawreport.com/?_topics_filter=special-education (last accessed May 8, 2026).

This site provides access to special education due process decisions issued by OSAH. In addition to being the most important source, it is also one of the most difficult websites to effectively search. For example, the search bar searches the entire website rather than filtering special education decisions, and Boolean connectors do not work. A more effective strategy is to utilize Google's search operators:

"Site:administrativelawreport.com filetype:pdf ODD"

OSAH Final Decision, *Beaudrot Final Decision*, https://administrativelawreport.com/wp-content/uploads/2024/02/0000000_Beaudrot_SE_2022_9_28.pdf (last accessed May 7, 2026)

In this example, searching the site for PDFs with the term “ODD,” which is the abbreviation for Oppositional Defiant Disorder, retrieved the *Beaudrot* decision. A researcher can utilize this search feature to find cases with similar facts to theirs, which will allow them to review specific details that judges used in their decision.

Georgia Department of Education Due Process Hearing Decisions, *Georgia and Eleventh Circuit Court Decisions 1995 to Present under the IDEA and §504/ADA*, <https://lor2.gadoe.org/gadoe/items/1b052c8e-aa3e-4dd7-9bd1-0bebcfo44d36/1/viewcontent> (last accessed May 8, 2026).

This source was retrieved from the GaDOE website and covers cases from 1995-2016, so it is not current. However, researchers should still use this collection to understand historical trends in disciplinary proceedings and the relationship between OSAH administrative proceedings and later judicial appeals. Because many Eleventh Circuit cases came from appeals of OSAH decisions, this resource might be valuable for researchers interested in identifying the types of disputes most likely to proceed into state or federal court review.

Secondary Sources

Ruth Colker & Lauren Sabo, *SPECIAL EDUCATION LAW IN A NUTSHELL* (2025), <https://subscription-westacademic-com.eu1.proxy.openathens.net/Book/Detail?id=28912&q=special%20education&goBackUrl=https%3A%2F%2Fsubscription-westacademic-com.eu1.proxy.openathens.net%2Fsearch%3Fq%3Dspecial%2Beducation#description-tab> (last accessed April 20, 2026).

This source provides a comprehensive overview of IDEA, Section 504, procedural safeguards, and due process mechanisms. While it does not specifically discuss Georgia policies, it is useful as an introductory tool before turning to primary authority, because sites like LexisNexis and WestLaw do not have substantial

secondary sources in special education. The source also explains burden of proof and available remedies, which is essential for understanding administrative hearings.

Researchers might also find Chapter 8 useful because it discusses the administrative complaint process as an alternative to due process hearings. The chapter explains that parents may sometimes experience higher success rates through the complaint process, although comprehensive national empirical data is limited and the scope of available remedies and issues that can be addressed is narrower than in formal due process hearings. GaDOE provides a less thorough but state-specific comparison chart of similar alternatives listed later in this research guide.

Lisa M. Geis, *Courtroom, Classroom, Commitment: Using Special Education and Disability Rights to Keep Youth Out of Secure Facilities*, 8 J. MARSHALL L.J. 521 (2015).

This article examines the intersection of special education and the juvenile justice system, as special needs students who undergo disciplinary proceedings are overrepresented in that system. Protections like IDEA and FAPE still apply to special education students in the justice system, and parents still have power to ensure the facilities appropriately educate their child.

Georgia Department of Education, *Due Process Hearing and Decisions*, <https://gadoe.org/special-education/due-process-hearings-and-decisions/> (last accessed Feb. 27, 2026)

The GaDOE website is one of the most useful practical resources for understanding how Georgia implements IDEA procedures. This website provides general procedural information for filing complaints, understanding timelines, and accessing administrative decisions. This information on the website is not binding authority, but it is essential for understanding how IDEA disputes are processed at the state level.

GaDOE Community, *GaDOE Best Practices in Manifestation Determination Review Meetings*, <https://login.community.gadoe.org/events/best-practices-in-manifestation-determination-review-meetings> (last accessed May 8, 2026).

Researchers might be interested in how the GaDOE prepares its district leaders and special education personnel for MDR meetings outside of formal statutes and administrative opinions. This 2024 GaDOE webinar provides guidance on best practices, common procedural issues, and compliance expectations during MDR meetings.

GaDOE Dispute Resolution Chart, *Quick Guide to Special Education Processes for Parents of Children and Youth (Ages 3-21)*, <https://lor2.gadoe.org/gadoe/file/17cd61a8-53ce-4fa5-b818-6e856862814e/1/DisputeResolutionProcessComparisonChart.pdf> (last accessed Feb. 27, 2026).

Special Education Law in a Nutshell mentions there are different levels of remediation procedures, and this dispute resolution chart is a thorough overview of the dispute resolution options available under IDEA in Georgia. Researchers can use this source to determine which dispute resolution process applies to a particular issue, as this resource explains the differences between mediation, complaints, and due process hearings in Georgia at different levels.

Parent to Parent of Georgia, *Education Library*, <https://www.p2pga.org/roadmap/education/education-library/> (last accessed Feb. 26, 2026).

This advocacy website provides practical guidance for special education rights and dispute resolution. Researchers might appreciate the P2P website for its clear language and compilation of thorough resources and fact sheets.

School Justice, *How We Keep Kids in School*, GEORGIA APPLESEED CENTER FOR LAW & JUSTICE, <https://gaappleseed.org/school-justice/> (last accessed May 4, 2026).

Georgia Appleseed is a non-profit law center that advocates for the rights of marginalized and at-risk children in Georgia through policy work, research, and collaboration with schools and government agencies. P2P lists this organization as a resource for the more legal aspects of advocating for children in special education disputes, but this website is primarily useful to non-attorneys because it provides links to MDR guidance, policy information, reports, and resources related to school discipline and educational equity in Georgia.

Current Awareness Beyond Georgia

WRIGHTSLAW, <https://www.wrightslaw.com/law.htm> (last accessed May 8, 2026).

Researchers may find that this site is less user-friendly than Parent to Parent of Georgia (P2P), but it contains substantially more legally focused material. Unlike P2P, which is primarily geared toward parents and advocates, Wrightslaw was created by attorneys and includes legal articles, briefs, and other documents related to special education disputes. The website may be useful for researchers seeking practical explanations of IDEA procedures, examples of litigation materials, parent-oriented advocacy research, and special education news.

Council for Exceptional Children, *Special Education TODAY*, <https://exceptionalchildren.org/blog?srsId=AfmBOorKpYlKQwh1CCo3GqnJnOkR-mZ-HfYosLQlIbKobEeUkFR5V5VR> (last accessed Feb. 26, 2026).

This publication tracks current developments in special education policy and litigation nationwide, which is useful for identifying trends and evolving terminology.

Researchers should use current publications alongside administrative decisions to remain aware of developing issues and IDEA procedures.

DISABILITY SCOOP, <https://www.disabilityscoop.com> (last accessed May 4, 2026).

This website provides information and news about developmental disabilities and disability advocacy. Researchers may find this source useful for understanding broader disability-related issues that can influence educational policy and advocacy trends.