



## The Special Education Battlefield

Cuddy, A. *The Special Education Battlefield: A Guide to the Due Process Hearing and Other Tools of Effective Advocacy*. New York: Ithaca Press, 2007. ISBN 978-0-9787113-4-4, 395 pages, \$40.00

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Based on the title of this text, my own expectation was of a type of guided tour through the educational, legal, and administrative systems encountered by the parent of a special needs child. I am aware that there are resources available for children within the school system; I am also aware that there may be difficulties in obtaining these resources. My hope was for a text that outlined the process and means of doing so. Indeed, one of the author's stated goals in writing this book was to provide a resource for parents, advocates, and attorneys unfamiliar with special education law. To some degree, certain portions of the book do accomplish this. As a whole, however, the underlying sentiment of this book seems to be more of an attack of the system than a guide through it.

This text consists of 23 chapters followed by a glossary of terms, summary of relevant case studies, and resource guide by state as well as by syndrome or disability. The first four chapters discuss advocacy in a general sense, and present options when selecting an attorney or lay advocate to represent the child if matters should progress from due process to court. Chapter five is somewhat of an anomaly in that it portrays the parent or lay advocate in a poor light, even coining the term Mad Buffalo Syndrome to describe a difficult, overly-aggressive parent who irrationally acts in an unethical manner on behalf of the child. The incongruity lies in the fact that throughout the rest of the book, it is the education system that is repeatedly portrayed in a negative manner. Chapter seven begins to solidify the earlier feeling of bias as the author utilizes phrases designed to invoke negativity toward the education system and its overall intent to deny services to children with disabilities. Chapters eight thru sixteen are where

the formative materials in this book are located, relatively free of the author's "battlefield" descriptions and frequent reminders that the system is corrupt and not looking out for the best interest of the child. This series of chapters begins by outlining key issues of a due process special education hearing, including appropriate services, the individualized education program (IEP), environmental considerations, compensatory services, reimbursement, and burden of proof. They go on to cover the issues of medication, correct definition of the disability, and the importance of accurate record keeping and review throughout the course of the due process hearing and beyond. There

is a chapter on how to dissect an IEP, and chapters on the option of employing mediators on the road to reaching a resolution or settlement. The due process hearing is discussed in greater detail at this point, with a general description of the participants, process, timeline, and how a decision is rendered. It reads from more of an attorney's perspective, but contains useful information for parents as well. Chapters seventeen through the end of the text are more procedural in detail and discuss the writing of a closing brief, the appeals process, the possible pursuit of a separate hearing under the Federal Rehabilitation Act, and

alternate advocacy tools including filing of complaints, Medicaid fraud, and the use of publicity to further a case.

Having read the book, and being left with a sense of negativity and disappointment in its content, I again turned to the introduction and realized that I had been presumptive in my expectations. All along the title should have been foremost in my mind, because the introduction clearly states: "A due process hearing, like a battlefield, is a hostile environment... [the] interests are not the interest of the individual child... they want the parent to lose". Faced with sentiments such as these, it should not have been surprising to me that the book was likely not intended to be an unbiased guide, but mainly the opinion of one attorney faced with an overwhelming task and the need to work within a flawed system.

