

Special Education Law and Practice

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Cases and Materials

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PROFESSOR OF LAW
NEW YORK LAW SCHOOL

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To my husband, Richard, and to my boys, Ellis and Ethan.

—DNA

To JMB, for dedicating three decades of her formidable legal talent to the needs of children, and to KMD, a very special educator.

—RDM

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- Student W. v. Puyallup Sch. Dist., 31 F.3d 1489 (9th Cir. 1994), 674, 715
- Sudbury Pub. Sch. v. Mass. Dep't of Elementary and Secondary Educ., 762 F. Supp. 2d 254 (D. Mass. 2010), 470
- Sullivan v. Vallejo City Unified Sch. Dist., 731 F. Supp. 947 (E.D. Cal. 1990), 561
- Susan N. v. Wilson Sch. Dist., 70 F.3d 751 (3d Cir. 1995), 622, 632
- Susquenita Sch. Dist. v. Raelee S., 96 F.3d 78 (3d Cir. 1996), 248, 442, 470, 471, 473
- Swenson v. Lincoln Cnty. Sch. Dist., 260 F. Supp. 2d 1136 (D. Wyo. 2003), 649

- Sykes v. District of Columbia, 518 F. Supp. 2d 261 (D.D.C. 2007), 421, 424
- T.B. v. Bryan Indep. Sch. Dist., 628 F.3d 240 (5th Cir. 2010), 718
- T.D. v. LaGrange Sch. Dist. No. 102, 349 F.3d 469 (7th Cir. 2003), 709, 711, 717
- T.G. v. Bd. of Educ. of Piscataway, 576 F. Supp. 420 (D.N.J. 1983), 108, 136
- T.G. v. Midland Sch. Dist. 7, 848 F. Supp. 2d 902 (C.D. Ill. 2012), *aff'd*, 524 F. App'x 523 (7th Cir. 2103), 343
- T.H. v. Bd. of Educ. of Palatine Cmty. Consol. Sch. Dist., 55 F. Supp. 2d 830 (N.D. Ill. 1999), 470
- T.K. v. N.Y.C. Dep't of Educ., 779 F. Supp.2d 289 (E.D.N.Y. 2011), 204
- T.K. v. N.Y.C. Dep't of Educ., 32 F. Supp. 3d 405 (E.D.N.Y. 2014), *aff'd*, 810 F.3d 869 (2d Cir. 2016), 216
- T.M. v. Cornwall Cent. Sch. Dist., 752 F.3d 142 (2d Cir. 2015), 462
- T.M. v. Cornwall Cent. Sch. Dist., 900 F. Supp. 2d 344 (S.D.N.Y. 2012), *vacated*, 752 F.3d 142 (2d Cir. 2015), 396
- T.N. v. Seattle Sch. Dist. No. 1, 474 F.3d 1165 (9th Cir. 2007), 711
- T.S. v. Indep. Sch. Dist. No. 54, 265 F.3d 1090 (10th Cir. 2001), *cert. denied*, 482 F.3d 689 (2007), 520
- T.Y. v. N.Y.C. Dep't of Educ., 584 F.3d 412 (2d Cir. 2009), *cert. denied*, 563 U.S. 904 (2011), 204, 216, 383, 384, 396
- Tammy S. v. Reedsburg Sch. Dist., 302 F. Supp. 2d 959 (W.D. Wis. 2003), 371
- Taylor v. Altoona Area Sch. Dist., 737 F. Supp. 2d 474 (W.D. Pa. 2010), 335, 339
- Taylor v. District of Columbia, 770 F. Supp. 2d 105 (D.D.C. 2011), 639
- Taylor v. Honig, 910 F.2d 627 (9th Cir. 1990), 131, 133
- Taylor v. Vt. Dep't of Educ., 313 F.3d 768 (2d Cir. 2002), 497, 574, 666
- TC v. Valley Cent. Sch. Dist., 777 F. Supp. 2d 577 (S.D.N.Y. 2011), 575, 578
- Tenn. Prot. and Advocacy v. Bd. of Educ. of Putnam Cnty., 24 F. Supp. 2d 808 (M.D. Tenn. 1998), 509
- Theodore v. District of Columbia, 655 F. Supp. 2d 136 (D.D.C. 2009), 518, 520, 583
- Thomas v. Cincinnati Bd. of Educ., 918 F.2d 618 (6th Cir. 1990), 449, 595
- Thomas v. District of Columbia, 407 F. Supp. 2d 102 (D.D.C. 2005), 427, 684, 687
- Thomas v. District of Columbia, 773 F. Supp. 2d 15 (D.D.C. 2011), 539
- Thomas R.W. v. Mass. Dep't of Educ., 130 F.3d 477 (1st Cir. 1997), 518
- Thompson v. Bd. of Special Sch. Dist. No. 1, 144 F.3d 574 (8th Cir. 1998), 648
- Tilton v. Jefferson Cnty. Bd. of Educ., 705 F.2d 800 (6th Cir. 1983), *cert. denied*, 456 U.S. 1056 (1984), 464
- Timothy W. v. Rochester Sch. Dist., 875 F.2d 954 (1st Cir. 1989), *cert. denied*, 493 U.S. 983 (1989), 11, 30, 65
- Tindall v. Poultney High Sch. Dist., 414 F.3d 281(2d Cir. 2005), 494
- Town of Burlington v. Dep't of Educ. of Mass., 736 F.2d 773 (1st Cir. 1984), *aff'd*, 471 U.S. 359 (1985), 619, 644
- Tracy v. Beaufort Cnty. Bd. of Educ., 335 F. Supp. 2d 675 (D.S.C. 2004), 383
- Unified Sch. Dist. v. Shorey, 903 F.2d 635 (9th Cir. 1990), 133
- Union Sch. Dist. v. Smith, 15 F.3d 1519 (9th Cir. 1994), 350, 638

- United States v. Arkansas, 794 F. Supp. 2d 935 (E.D. Ark. 2011), 693, 699
- United States v. Yonkers Bd. of Educ., 837 F.2d 1181 (2d Cir. 1987), 28
- V.S. v. Colts Neck Bd. of Educ., 190 F. App'x 140 (3d Cir. 2006), 740
- V.S. v. N.Y.C. Dep't of Educ., 25 F. Supp. 3d 295 (E.D.N.Y. 2014), 508, 636
- Va. Office of Prot. and Advocacy v. Va. Dep't of Educ., 262 F. Supp. 2d 648 (E.D. Va. 2003), 526
- Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811 (9th Cir. 2007), 399, 714, 718
- Van Scoy v. San Luis Coastal Unified Sch. Dist., 353 F. Supp. 2d 1083 (C.D. Cal. 2005), 452, 474
- Vander Malle v. Ambach, 667 F. Supp. 1015 (S.D.N.Y. 1987), 135
- Verhoeven v. Brunswick Sch. Comm., 207 F.3d 1(1st Cir. 1999), 469
- Vogel v. Sch. Bd. of Montrose R-14, Sch. Dist., 491 F. Supp. 989 (W.D. Mo. 1980), 434
- W.G. v. Bd. of Trustees of Target Range Sch. Dist. No. 23, 960 F.2d 1479 (9th Cir. 1992), 229
- W.G. v. N.Y.C. Dep't of Educ., 801 F. Supp. 2d 142 (S.D.N.Y. 2011), 603, 636
- W.S. v. Rye City Sch. Dist., 454 F. Supp. 2d 134 (S.D.N.Y. 2006), 373, 374, 393
- W.T. v. Bd. of Educ. of Sch. Dist. of N.Y.C., 716 F. Supp. 2d 270 (S.D.N.Y. 2010), 434
- Walker Cnty. Sch. Dist. v. Bennett, 203 F.3d 1293 (11th Cir. 2000), *cert. denied*, 531 U.S. 1059 (2000), 585, 620, 629, 635
- Walker v. District of Columbia, 151 F. Supp. 2d 11 (D.D.C. 2001), 440
- Wall v. Mattituck-Cutchogue Sch. Dist., 945 F. Supp. 501 (E.D.N.Y. 1996), 634, 636, 637
- Wall Twp. Bd. of Educ. v. C.M., 534 F. Supp. 2d 487 (D.N.J. 2008), 582
- Warren G. v. Cumberland Cnty. Sch. Dist., 190 F.3d 80 (3d Cir. 1999), 346
- Watson v. City of Cambridge, 157 Mass. 561 (1893), 5
- Watson v. Kingston City Sch. Dist., 142 F. App'x 9, 11 (2d Cir. 2005), 399
- Wayne Cnty. Regional Educ. Serv. Agency v. Pappas, 56 F. Supp. 2d 807 (E.D. Mich. 1999), 673
- Weber v. Cranston Sch. Comm., 212 F.3d 41(1st Cir. 2000), 482
- Weissburg v. Lancaster Sch. Dist., 591 F.3d 1255 (9th Cir. 2010), 714, 719
- Weixel v. Bd. of Educ. of City of N.Y., 287 F.3d 138 (2d Cir. 2002), 580
- Wenger v. Canastota Cent. Sch. Dist., 146 F.3d 123 (2d Cir. 1998), 494
- Werner v. Clarkstown Cent. Sch. Dist., 363 F. Supp. 2d 656 (S.D.N.Y. 2005), 388
- Westendorp v. Indep. Sch. Dist. No. 273, 35 F. Supp. 2d 1134 (D. Minn. 1998), 672, 686
- Wexler v. Westfield Bd. of Educ., 784 F.2d 176 (3d Cir. 1986), *cert. denied*, 479 U.S. 825 (1986), 618
- White v. Ascension Parish Sch. Bd., 343 F.3d 373 (5th Cir. 2003), 384
- Wilkins v. District of Columbia, 571 F. Supp. 2d 163 (D.D.C. 2008), 440
- Williams v. Overturf, 580 F. Supp. 1365 (W.D. Wis. 1984), 574
- Wilton-Lyndeborough Coop. Sch. Dist., 518 F.3d 18 (1st Cir. 2008), 394, 395, 409
- Winkelman v. Parma City Sch. Dist., 550 U.S. 516 (2007), 375, 483
- Wisconsin v. Yoder, 406 U.S. 205 (1972), 265
- Witte v. Clark Cnty. Sch. Dist., 197 F.3d 1271 (9th Cir. 1999), 649

- Witters v. Wash. Dep't of Serv. for the Blind, 474 U.S. 481 (1986), 271
- Woodside v. Sch. Dist. of Phila. Bd. of Educ., 248 F.3d 129 (3d Cir. 2001), 718
- Yamen v. Bd. of Educ. of Arlington Cent. Sch. Dist., 909 F. Supp. 207 (S.D.N.Y. 1996), 528
- Yankton Sch. Dist. v. Schramm, 93 F.3d 1369 (8th Cir. 1996), 169, 720
- Z.A. v. San Bruno Park Sch. Dist., 165 F.3d 1273 (9th Cir. 1999), 720
- Z.V. v. Arlington Cent. Sch. Dist., 414 F. Supp. 2d 366 (S.D.N.Y. 2006), 393
- Zayas v. Puerto Rico, 451 F. Supp. 2d 310 (D.P.R. 2006), 754
- Zearley v. Ackerman, 116 F. Supp. 2d 109 (D.D.C. 2000), 520
- Zipperer v. Sch. Bd. of Seminole Cnty., 111 F.3d 847 (11th Cir. 1997), 713
- Zobrest v. Catalina Foothills Sch. Dist., 509 U.S. 1 (1993), 266
- Zvi D. v. Ambach, 694 F.2d 904 (2d Cir. 1982), 469, 474
- Secondary Sources**
- Jeri D. Barclay, *Fiscal Accountability Under the Individuals with Disabilities Act: How Do We Ensure the Money is Spent on Handicapped Education and Related Services?*, 28 J.L. & Educ. 327 (1999), 140
- Jim Comstock-Galagan & Rhonda Brownstein, *Stopping the Schoolhouse to Jailhouse Pipeline by Enforcing the Federal Special Education Law*, Children's Rts. (A.B.A. Children's Rts. Litigation Committee), Winter 2007, 139
- Rebecca W. Goldman, *A Free Appropriate Education in the Least Restrictive Environment: Promises Made, Promises Broken by the Individuals with Disabilities Education Act*, 20 U. Dayton L. Rev. 243 (1994), 11
- Richard C. Handel, *The Role of the Advocate in Securing the Handicapped Child's Right to an Effective Minimal Education*, 36 Ohio St. L. J. 349 (1975), 11
- Catherine Y. Kim et al., *The School-to-Prison Pipeline: Structuring Legal Reform* (2010), 139
- Richard Kluger, *Simple Justice* (1975), 14
- Erwin L. Levine & Elizabeth M. Wexler, *PL 94-142: An Act of Congress* (1981), 14
- James Siegel, Comment, *Equal Educational Opportunity: The Visually Impaired and Public Law 94-142*, 33 U.C.L.A. L. Rev. 549 (1985), 14
- Robert T. Stafford, *Education for the Handicapped: A Senator's Perspective*, 3 Vt. L. Rev. 71 (1978), 139
- Martha L. Thurlow, et al., *Students with Disabilities who Drop Out of School—Implications for Policy and Practice*, Issue Brief (Nat'l Center on Secondary Educ. and Transition), June 2002, 139
- Joseph B. Tulman, *Disability and Delinquency: How Failures to Identify, Accommodate, and Serve Youth with Education-Related Disabilities Lead to Their Disproportionate Representation in the Delinquency System*, 3 Whittier J. Child. & Fam. Advoc. 3 (2003), 139
- Joseph B. Tulman & Douglas M. Weck, *Shutting off the School-to-Prison Pipeline for Status Offenders with Education-Related Disabilities*, 54 N.Y.L. Sch. L. Rev. 875 (2009–2010), 139
- Mitchell L. Yell, *The Law and Special Education*, 33

Foreword

The Individuals with Disabilities Education Act (IDEA) is a unique federal law. By placing an affirmative obligation on public school districts to identify and evaluate children with disabilities, determine whether they are eligible for special education and related services, and if so, to provide each child with a disability with a free appropriate public education, the IDEA creates a positive right to an education for children with disabilities. The IDEA is a transformative law. By requiring school districts to provide educational services to children with disabilities from age three through twenty-one (and requiring local social services agencies to provide services from birth to age three), the IDEA works to ensure that all children with disabilities will have the opportunity to learn and function in society in a way that is consistent with their abilities. Finally, the IDEA is complex. It creates a multi-step process, with a significant role for parents, to implement its goals. It creates an administrative process to allow parents of children with disabilities to challenge any aspect of their child's education program, and establishes a unique system of judicial review.

We hope this casebook will play a modest role in helping attorneys, parents, and school administrators navigate their way through the IDEA. The casebook covers the IDEA's substantive education rights, including the right to a free appropriate public education (FAPE), related services, and to be free of racially discriminatory practices. It covers placement rights including the right to learn in the least restrictive environment and the right of parents to remove their child from a public school that is not providing a FAPE to their child and be reimbursed for the cost of their child's tuition at a private school that is providing an appropriate education. The book covers the IDEA's procedural protections, including a school district's obligation to identify and evaluate children with disabilities, to prepare and implement an IEP for each child with a disability who needs special education and related services, to provide an impartial hearing to parents who disagree with any aspect of their child's education, and to maintain the child in her current educational setting pending the outcome of the hearing and any subsequent appeals. Finally, the book has several chapters on enforcing the IDEA in federal court, including chapters on constitutional and statutory requirements, remedies available for IDEA violations, and the availability of attorneys fees for prevailing parties in IDEA cases.

Each chapter begins with a problem rich in facts and law that places the student in the position of an attorney trying to resolve a problem for a client using that chapter's materials. Comprehensive notes expand the areas covered by featured cases. We hope that the book's combination of an experiential focus and comprehensive

coverage will appeal both to clinical faculty who can use it as a clinical teaching tool and traditional faculty who seek to take a problem-oriented approach in teaching special education law. We also hope that the book will be useful as a reference to attorneys and other special education practitioners, school administrators, and parents and others who are interested in learning more about special education law.

We offer a few notes about the text. In the problems that begin each chapter, we use initials to identify the children and parents. This is a conventional part of special education law practice to ensure confidentiality. It is never too soon to internalize special education practice norms. We have edited the cases in the text to demonstrate as clearly as possible the legal points the case represents. We use ellipses to indicate when we have excluded text, but for the most part, we do not use ellipses to indicate the exclusion of case citations or citations to the record. Finally, different states use different names for administrative officers who decide impartial hearings in special education cases at the local level and for administrative officers at the state level who decide appeals from decisions of these local officers. For convenience, we will generally refer to local administrative officers as impartial hearing officers (IHOs) and state level administrative officers as state review officers (SROs).

The IDEA is an extensive statute, covering more than one hundred pages in the United States Code. In addition, the United States Department of Education has issued regulations implementing the IDEA that occupy an entire volume of the Code of Federal Regulations. We reproduce specific provisions of the IDEA and the regulations as relevant throughout the casebook. In addition, Appendix A contains relevant excerpts from the IDEA. Finally, the full text of the IDEA and its implementing regulations are available on the website of the Government Printing Office, <https://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE> and <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

As with many specialized areas of practice, special education practice uses a number of acronyms. We have listed and defined some of these in Appendix B.

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