

TUITION
REIMBURSEMENT
REMEDIES
UNDER THE IDEA

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May 2018



Topics for Discussion

- ◆ Basics of Reimbursement Relief
- ◆ Whether Free, Appropriate Public Education Has Been Offered
- ◆ Whether the Unilateral Placement Is Appropriate
- ◆ Equitable Considerations

Tuition Reimbursement Basics

- ◆ Burlington-Carter
- ◆ 1997 IDEA Amendments
- ◆ Forest Grove Sch. Dist. v. T.A.

Second Circuit Approach

“(1) the [school district] must establish that the student’s IEP actually provided a FAPE; should the DOE fail to meet that burden the parents are entitled to reimbursement if (2) they establish that the unilateral placement was appropriate and (3) the equities favor them.”

Prong 1: Denial of FAPE

- ◆ Endrew F. v. Douglas Cnty. Sch. Dist. RE 1
- ◆ Board of Educ. v. Rowley
- ◆ Mr. P v. West Hartford Board of Education
- ◆ A.W. v. New York City Dep't of Educ.

Some Questions

- ◆ Does a Limited Deficiency in an IEP Justify Tuition Reimbursement?
 - ◆ L.K. v. New York City Dep't of Educ.
- ◆ Use of Retrospective Evidence?
 - ◆ R.E. v. New York City Dep't of Educ.
 - ◆ Endrew F.
 - ◆ C.B. v. New York City Dep't of Educ.
 - ◆ Rairdan M. v. Solanco Sch. Dist.

Prong 2: Is the Unilateral Placement Appropriate?

- ◆ N.Y. Educ. Law § 4404(1)(c)

Some Questions

- ◆ How Effective Must the Unilateral Placement Be?
 - ◆ *Gagliardo v. Arlington Cent. Sch. Dist.*
 - ◆ *Doe v. East Lyme Bd. of Educ.*
 - ◆ *Hardison v. Board of Educ. of the Oneonta City Sch. Dist.*
 - ◆ *L.H. v. Hamilton Cnty. Dep't of Educ.*
 - ◆ *Frank G. v. Board of Educ. of Hyde Park*
 - ◆ *Board of Educ. of Wappingers Cent. Sch. Dist. v. M.N.*
 - ◆ *A.W. v. Board of Educ. of the Wallkill Cent. Sch. Dist.*
 - ◆ *C.L. v. Scarsdale Union Free Sch. Dist.*
 - ◆ *C.B., Rairdan*

More Questions

- ◆ Reimbursement for Related Services?
 - ◆ Doe v. East Lyme
 - ◆ Still v. DeBuono
- ◆ Need the Unilateral Placement Provide Special Education?
 - ◆ Frank G.
 - ◆ R.B. v. New York City Dep't of Educ.
 - ◆ Weaver v. Millbrook Cent. Sch. Dist.
 - ◆ Shore Reg'l High Sch. Bd. of Educ. v. P.S.
 - ◆ M.G. v. District of Columbia

Still More Questions

- ◆ What About the Restrictiveness of the Placement?
 - ◆ C.L. v. Scarsdale Union Free Sch. Dist.
 - ◆ Warren G. v. Cumberland Cnty. Sch. Dist.
 - ◆ Cleveland Heights–University Heights City Sch. Dist. v. Boss
 - ◆ S.C. v. Katonah-Lewisboro Cent. Sch. Dist.
 - ◆ M.S v. Board of Educ. of the City School Dist. of Yonkers

Yet Another Question

- ◆ What About Compensatory Education When Reimbursement Is Barred?
 - ◆ Doe v. East Lyme
 - ◆ H.L. v. Marlboro Twp. Bd. of Educ.
 - ◆ Mr. I. v. Maine Sch. Admin. Dist. No. 55
 - ◆ Boose v. District of Columbia

Prong 3: The Equities

- ◆ 20 U.S.C. § 1412(a)(10)(C)(iii)-(iv)
- ◆ Carter

Some Questions

- ◆ What Notice Must the Parents Provide?
 - ◆ A.W. v. New York City Dep't of Educ.
 - ◆ M.G. v. District of Columbia
 - ◆ Letter to Miller
 - ◆ Shipler v. Maxwell

More Questions

- ◆ Does Failure to Give the 10-Day Notice Bar Reimbursement?
 - ◆ Board of Educ. of Wappingers Cent. Sch. Dist. v. M.N.
 - ◆ H.L. v. Marlboro Twp. Bd. of Educ.
 - ◆ Wood v. Kingston City Sch. Dist., J.S. v. Scarsdale Union Free Sch. Dist.
- ◆ What District Failures May Excuse Notice?
 - ◆ C.U. v. New York City Dep't of Educ.
 - ◆ M.G. v. District of Columbia

Still More Questions

- ◆ What Risk of Physical Harm May Excuse Notice?
 - ◆ J.M. v. Kingsway Reg'l Sch. Dist.
 - ◆ Fort Bend Indep. Sch. Dist. v. Z.A.
- ◆ What About Failure to Make the Child Available for Evaluation?
 - ◆ P.S. v. Brookfield Bd. of Educ.

Yet More Questions

- ◆ Must the Tuition Actually Have Been Paid?
 - ◆ A.W. v. Board of Educ. of the Wallkill Cent. Sch. Dist.
 - ◆ School Dist. of Phila. v. Kirsch
- ◆ How Receptive Must Parent Be to the District's Proposal?
 - ◆ Rockwall Indep. Sch. Dist. v. M.C.
 - ◆ N.R. v. Department of Educ. of the City of New York

Again More Questions

- ◆ Does Making Prior Arrangements with a Private School Affect Reimbursement?
 - ◆ S.C. v. Katonah-Lewisboro Cent. Sch. Dist.
 - ◆ Board of Educ. v. Bauer
 - ◆ Leggett v. District of Columbia
 - ◆ G.S. v. Fairfield Bd. of Educ.

A Final Question

- ◆ What Factors Affect Reasonableness Determinations?
 - ◆ L.K. v. New York City Dep't of Educ.
 - ◆ GB v. N.Y.C. Dep't of Educ.
 - ◆ Board of Educ. of the City Sch. Dist. of New York v. Gustafson