

PROSPECTIVE RELIEF IN IDEA CASES

Prof. Mark C. Weber
DePaul University College of Law
January 2018



Categories of Prospective Relief

- ◆ Ordering Compliance with Procedural Requirements
- ◆ Orders for Evaluations
- ◆ Overriding Denial or Failure of Consent to Evaluation
- ◆ Rescinding and Granting Diplomas
- ◆ Modifying Records
- ◆ Other Orders for Future Conduct
- ◆ Declarations

Compliance with Procedure

- ◆ 20 U.S.C. § 1415(f)(3)(E)(iii) (“Nothing in this subparagraph shall be construed to preclude a hearing officer from ordering a local educational agency to comply with procedural requirements under this section.”)
- ◆ Dawn G. v. Mabank Indep. Sch. Dist.

Orders for Evaluations

- ◆ N.Y. Comp. Codes R. & Regs. tit. 8 § 200.5(g)(2); *see* 34 C.F.R. § 300.502(d)
- ◆ In re Student with a Disability
- ◆ Lawrence Cnty. Sch. Dist. v. McDaniel
- ◆ In re Muscogee Cnty. Sch. Dist.
- ◆ Butler v. District of Columbia
- ◆ 34 C.F.R. § 300.303(a)(2), (b)(1)
- ◆ Cartwright v. District of Columbia

Independent Evaluations at Public Expense

- ◆ 34 C.F.R. § 300.503(b)
- ◆ Phillip C. v. Jefferson Cnty. Bd. of Educ.
- ◆ In re Bd. of Educ. of the Ossining Union Free Sch. Dist.
- ◆ M.Z. v. Bethlehem Area Sch. Dist.

Overriding Denial or Failure of Consent to Evaluation

- ◆ N.Y. Comp. Codes R. & Regs. tit. 8 § 200.5(b)(3); *see* 34 C.F.R. § 300.300(a)(3)(i)
- ◆ 34 C.F.R. § 300.300(d)(4)(i)
- ◆ *Durkee v. Livonia Cent. Sch. Dist.*
- ◆ *Fitzgerald v. Camdenon R–III Sch. Dist.*

Prospective Placements in General

- ◆ Burlington Sch. Comm. v. Department of Educ.
- ◆ In re Student with a Disability
- ◆ Q.C-C. v. District of Columbia
- ◆ Hill v. District of Columbia
- ◆ In re Young Scholars – Kenderton Charter Sch.
- ◆ Parents of Danielle v. Massachusetts Dep't of Educ.
- ◆ In re Wilkes-Barre Area Sch. Dist.

Emergency Placements

- ◆ In re District of Columbia Public Schools
- ◆ In re Jackson Twp. Bd. of Educ.
- ◆ In re Milltown Bd. of Educ.

Unapproved Placements

- ◆ Antkowiak v. Ambach
- ◆ Florence Cnty. Sch. Dist. 4 v. Carter
- ◆ Sabatini v. Corning-Painted Post Area Sch. Dist.
- ◆ Connors v. Mills
- ◆ In re: Student with a Disability
- ◆ Z.H. ex rel. Z.H. v. New York City Dep't of Educ.

Unapproved Placements II

- ◆ Delaware Cnty. Intermediate Unit No. 25 v. Martin K.
- ◆ Out-of-State Administrative Decisions
- ◆ Letter to Tucker
- ◆ Dobbins v. District of Columbia
- ◆ Struble v. Fallbrook Union High Sch. Dist.
- ◆ Winnacunnet Coop. Sch. Dist.
- ◆ Letter to McIntire

Joinder of SEA in Unapproved Placement Disputes

- ◆ Connors v. Mills
- ◆ Straube v. Florida Union Free School District
- ◆ Letter to Anonymous
- ◆ Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act (Part B)
- ◆ California Decisions About State Children's Services Program

Rescinding and Granting Diplomas

- ◆ Kevin T. v. Elmhurst Cmty. Sch. Dist. No. 205
- ◆ Hills v. Lamar Cnty. Sch. Dist.
- ◆ In re Conejo Valley Unified Sch. Dist.

Modifying Records

- ◆ 34 CFR §§ 300.618-.619
- ◆ In re Student with a Disability

Other Orders for Future Conduct

- ◆ R.G. v. New York City Dep't of Educ.
- ◆ In re San Diego Unified Sch. Dist.
- ◆ In re School City of E. Chicago
- ◆ R.S. v. Board of Educ. Shenendehowa Cent. Sch. Dist.
- ◆ In re Abington Sch. Dist.
- ◆ Letter to Armstrong

Declarations

- ◆ Cox v. Jenkins
- ◆ In re Board of Educ. of the City Sch. Dist. of the City of N.Y.
- ◆ D.C. v. Department of Educ.