Recent Court Cases in Special Education Law

Supreme Court Cases 2005-06 Term

Case Name: Arlington Central School District v. Murphy

Facts: Joe Murphy, an 8th grade student suffered from a "near-total incapacity to process language" disability. A school district speech language evaluator recommended placing Joe in a residential program for language-impaired students. Joe's parents hired an independent consultant to evaluate the school's placement decision, attend IEP meetings, and to meet with the district to request a more intensive language placement. The district refused Joe's parents request for a more intensive language placement. As a result, Joe's parents placed him in a private school for learning disabled students. The Murphys filed for due process seeking to establish that the private special education school was an appropriate placement for Joe and thus requested the school district to provide reimbursement for tuition. The Murphy's did not retain an attorney and relied on the guidance of their educational consultant to prepare their case. The court found in favor of the Murphy family ruling that the private school for learning disabled students was an appropriate placement, thus requiring the school district to reimburse them for private school tuition. The Murphy family then filed a motion seeking reimbursements for education consultant services. The district denied the Murphy's motion, so they appealed to the Supreme Court.

Legal Issue: The issue presented on appeal to the Supreme Court was whether the educational consultant's expert fee was a "cost" that was recoverable from the state under an IDEA provision permitting an "award of reasonable attorney fees as part of the costs" to prevailing parents. In other words, the legal question was, "What does the word "costs" mean, as used in the federal statute? Does it include expert (i.e. educational consultant) fees?

Court Ruling: The court held that expert fees are not part of the "costs" that prevailing parents may be reimbursed for under IDEA. The court's reasoned that the word "costs" in the Act was ambiguous and not sufficiently clear to warrant the inclusion of expert fees.

Case Name: Schaffer v. Weast

Facts: Brian Schaffer, a 14-year old boy with Down's Syndrome, enrolled in the Montgomery County School District. Brian had spent the previous seven years in a private residential school that was no longer meeting his needs. The public school conducted a full evaluation to assess Brian's IDEA eligibility. The evaluation determined that Brian was eligible for IDEA support and services. The school assembled an IEP Team, which drafted an IEP for Brian's education. Brian's parents challenged the adequacy of the IEP proposed by the Montgomery County School District. A hearing was held in which the hearing officer ruled that the evidence brought forth by the parties did not favor any side, thus declaring a "tie".

Legal Issue: Which party, the parents or the school district, prevails in an IDEA action where the evidence offered by each party is equal in weight?

Court Ruling: There is no clear direction in the Individuals with Disabilities Education Act (IDEA) regarding what party bears the burden of proof in an IEP hearing. Therefore, the court ruled that the party seeking to challenge the IEP bears the burden of proving their case. Justice O'Conner reasoned that the spirit of the law supports the notion that parents with "legitimate grievances" will prevail if they follow the IDEA grievance procedures.

Selected District Court Cases

Case Name: Alston v. Dist. Of Columbia (2007)

Facts: A child's individualized education plan (IEP) required the school district to provide private, residential placement and daytime instruction at a special education program. The residential facility where the child was located informed the parents and school district in January that it would close in February. According to the school district, during a conference with the child's mother regarding the closing of the residential facility, she agreed the child would live in her home. The mother contends that she never agreed to home placement. The mother filed a "stay put injunction" (allows a student to remain at their current school pending administrative review of a child's educational placement) alleging the school district "failed to provide the residential placement called for by the IEP, which constituted a unilateral and fundamental change of placement, in violation of IDEA."

Court Ruling: The court held that special education and related services includes instruction conducted in "the classrooms, in the home, in hospitals and institutions, and in other settings." Thus, the court ruled that the school district was required to provide residential placement under IDEA. Therefore, the court awarded the parents damages for the school's failure to provide residential placement as mandated by IDEA.

Case Name: Marissa F. v. William Penn Sch.Dist. (2006)

Facts: Marissa was diagnosed with a learning disability and covered by IDEA. Marissa's parents visited William Penn School District but never consented to an IDEA evaluation nor did they enroll Marissa in school. The parents decided to enroll Marissa in a private school, and received reimbursement from the William Penn School District for transportation –related expenses. The parents decided to move Marissa to a private school outside of the school district's boundaries and requested reimbursement for transportation-related expenses. William Penn School District refused the parents' reimbursement request. As a result, the parents consented to an evaluation with the school district to determine Marissa's IDEA eligibility and filed a lawsuit seeking reimbursement for tuition and compensatory education. Upon finding that Marissa was eligible for IDEA services, the school created an IEP to meet Marissa's educational needs.

Court Ruling: The court ruled the following: (1) the school district provided Marissa with a free and appropriate public education (FAPE); (2) provided Marissa with an adequate IEP; (3) was not required to reimburse the parents for expenses incurred before the school district received sufficient notice that the parents challenged the adequacy of the IEP.